



भारत का राजपत्र

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सं. 20] नई दिल्ली, मई 14—मई 20, 2006, शनिवार/वैशाख 24—वैशाख 30, 1928

No. 20] NEW DELHI, MAY 14—MAY 20, 2006, SATURDAY/VAISAKHA 24—VAISAKHA 30, 1928

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके।
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग-II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं

Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्यिक, लोक शिकायत एवं पेशन मंत्रालय

(कार्यिक एवं प्रशिक्षण विभाग)

नई दिल्ली, 9 मई, 2006

अपराधों का अन्वेषण/अनुसंधान करने के लिए करती है।

[सं. 228/19/2006-ए.डी.डी.-II]

चन्द्र प्रकाश, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 9th May, 2006

S. O. 1905.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Jammu and Kashmir Civil Secretariat Home Department Srinagar vide Notification No. SRO-156/Home/ISA/234/2006 dated 8th May, 2006 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Jammu

and Kashmir for investigation of case FIR No. 20/2006 under section 67 of the Information of Technology Act 2000 (Act No. 21 of 2000) registered at Police Station Shaheed Gunj, Srinagar and attempts, abetments and conspiracy in relation to, or in connection with the said offence, and any other offences committed in the course of the same transaction, or arising out of the same facts.

[No. 228/19/2006-AVD-II]

CHANDRA PRAKASH, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

केन्द्रीय उत्पाद शुल्क आयुक्त का कार्यालय

कोलकाता, 8 मई, 2006

सं. 02/2006 सी.शु. (एन.टी.)

का. आ. 1906.—भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली के सीमा शुल्क अधिनियम 1962 की धारा 152 के अंतर्गत जारी अधिसूचना सं. 33/1994 सी.शु. (एन.टी.) दिनांक 01 जुलाई, 1994 प्रदत्त शक्तियों का प्रयोग करते हुए, सीमा शुल्क अधिनियम, 1962 (1962 के 52) की धारा 9 के अधीन तथा एम. एफ.डी.आर. के परिपत्र सं. 31/2003 सी.शु. दिनांक 7 अप्रैल, 2003 के तहत मैसर्स आर. जे. टेकल्स प्रा. लि., जालान इन्डस्ट्रीजल कम्प्लेक्स, जंगलपुर, एन.एच.-6, दायें तीसरा लेन, गेट नं.-1, बेगरी पंचायत, बिपरान्नपारा मौजा, हावड़ा-711 411; पश्चिम बंगाल को सीमा शुल्क अधिनियम, 1962 (1962 के 52) के उपधारा-9 के तहत विकास आयुक्त, फाल्टा विशेष आर्थिक जोन, वाणिज्य मंत्रालय, भारत सरकार द्वारा अनुमोदित 100% निर्यात ओरियेन्टेड यूनिट की स्थापना के उद्देश्य से वेयर हाउसिंग स्टेशन घोषित किया जाता है।

[सं. IV(16)।/सीईटैक/हालिद्या/2004]

कमल ज्योति, आयुक्त

MINISTRY OF FINANCE

(Department of Revenue)

OFFICE OF THE COMMISSIONER OF
CENTRAL EXCISE

Kolkata, the 8th May, 2006

No. 2/2006-CUSTOMS (NT)

S. O. 1906.—In exercise of the powers conferred under Section 9 of the Customs Act, 1962 as delegated by Notification No. 33/1994-Customs (NT) dated 1st July, 1994 issued under Section 152 of the Customs Act, 1962 (52 of

1962) read with MFDR Circular No. 31/2003-Customs dated 7th April, 2003, the factory premises of M/s. R. J. Tackles Pvt. Ltd. at Jalan Industrial Complex, Junglepur, NH-6, Right 3rd Lane, Gate No. 1, Begri Panchayat, Biprannapara Mouza, Howrah—711 411 in the state of West Bengal are, hereby, declared to be a Warehousing Station under Section 9 of the Customs Act, 1962 (52 of 1962) for the purpose of setting up of a 100% Export Oriented Unit as approved by the Development Commissioner, Falta Special Economic Zone, Ministry of Commerce, Government of India.

[C. No. IV(16)।/CE/Tech./Haldia/2004]

KAMAL JYOTI, Commissioner

सीमा शुल्क एवं केन्द्रीय उत्पाद शुल्क मुख्य आयुक्त का
कार्यालय

कोयम्बत्तूर, 30 मार्च, 2006

सं. 01/2006 सी.शु. (एन.टी.)

का. आ. 1907.—यथा संशोधित अधिसूचना सं.-14/2002 सी.शु. (एन.टी.), दिनांक 7-3-2002 के साथ पठित सीमा शुल्क अधिनियम, 1962 की धारा 152 खण्ड (ए) के अंतर्गत भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली के दिनांक 1 जुलाई, 1994 के अधिसूचना संख्या 33/94-सी.शु. (एन.टी.) के अधीन अधोहस्ताक्षरी को प्रत्योजित शक्तियों का प्रयोग करते हुए, मैं, जे.एम.के.शेखर, मुख्य आयुक्त, सीमा शुल्क एवं केन्द्रीय उत्पाद शुल्क कोयम्बत्तूर एतद्वारा तमिलनाडु राज्य, कोयम्बत्तूर ज़िला, अविनाशी तालूक के मासगौन्डन चेट्टिपालायम और कुन्नत्तूर ग्राम को सीमा शुल्क अधिनियम, 1962 की धारा 9 के अंतर्गत निजी भाण्डागार को लाइसेन्स देने के उद्देश्य से भाण्डागरण स्टेशन के रूप में घोषित करता हूँ।

[फा. सं.-VIII/40/2/2006 सी.शु. (मु.आ.का.)]

जे.एम.के.शेखर, मुख्य आयुक्त

OFFICE OF THE CHIEF COMMISSIONER OF
CUSTOMS AND CENTRAL EXCISE

Coimbatore, the 30th March, 2006

No. 01/2006-CUSTOMS (NT)

S. O. 1907.—In exercise of the powers delegated to the undersigned *vide* Notification No. 33/94-Customs (NT) dated 1st July, 1994 by the Government of India, Ministry of Finance, Department of Revenue, New Delhi, under Clause (a) of Section 152 of the Customs Act, 1962, read with Notification No. 14/2002 Cus.(NT) dated 7-3-2002, as amended. I, J.M.K. SEKHAR, Chief Commissioner of Customs and Central Excise, Coimbatore, hereby declare “MASAGOUNDAN CHETTIPALAYAM VILLAGE AND

KUNNATHUR VILLAGE, in AVINASHI Taluk, in the District of COIMBATORE, State of TAMIL NADU, to be a Warehousing Station under Section-9 of the Customs Act, 1962 for the purpose of licensing of Private Bonded Warehouse.

[F. C. No. VIII/40/2/2006-CUS(CCO)]

J. M. K. SEKHAR, Chief Commissioner
(आधिकारिक कार्यविभाग)
(बैंकिंग प्रभाग)

नई दिल्ली, 12 मई, 2006

का. आ. 1908.—भारतीय निर्यात आयात बैंक अधिनियम, 1981 (1981 का 28) की धारा 5 की उपधारा (2) के खंड (क) के साथ पठित धारा 6 की उपधारा (1) (क) एवं उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, एतद्वारा भारतीय निर्यात आयात बैंक के अध्यक्ष एवं प्रबंध निदेशक के रूप में श्री टी. सी. वेंकट सुब्रह्मण्यन का कार्यकाल दिनांक 30-4-2006 को समाप्त होने के पश्चात् भारतीय निर्यात आयात बैंक के अध्यक्ष एवं प्रबंध निदेशक के रूप में श्री वेंकट सुब्रह्मण्यन का कार्यकाल 30 अप्रैल, 2006 के बाद 31 अक्टूबर, 2009 तक की अवधि के लिए अर्थात् उनकी अधिवर्षिता की आयु पूरी होने तक अथवा अगला आदेश होने तक, जो भी पहले हो, बढ़ाती है।

[फा. सं. 9/10/2005-आईएफ 1]

अतुल कुमार राय, निदेशक

(Department of Economic Affairs)

(BANKING DIVISION)

New Delhi, the 12th May, 2006

S. O. 1908.—In exercise of the powers conferred by Sub-section (1)(a) and Sub-section (2) of Section 6 read with clause (a) of Sub-section (2) of Section 5 of Export-Import Bank of India Act, 1981 (28 of 1981), the Central Government, after the expiry of term of Shri T. C. Venkat Subramanian as Chairman & Managing Director of Export-Import Bank of India on 30-4-2006, hereby extends the tenure of Shri T. C. Venkat Subramanian as Chairman and Managing Director, Exim Bank beyond 30th April 2006 for a period upto his superannuation on 31st October, 2009 or until further orders, whichever is earlier.

[F. No. 9/10/2005-IF-1]

ATUL KUMAR RAI, Director

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य और परिवार कल्याण विभाग)

नई दिल्ली, 8 मई, 2006

का. आ. 1909.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उपधारा (2) द्वारा प्रदत्त

शक्तियों का प्रयोग करते हुए केन्द्र सरकार भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के पश्चात् उक्त अधिनियम की प्रथम अनुसूची में एतद्वारा निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अनुसूची में—

(क) शीर्षक “मान्यताप्राप्त चिकित्सा अहता” (इसके पश्चात् स्तंभ (2) में उल्लिखित) के अन्तर्गत “साऊथ गुजरात यूनिवर्सिटी/वीर नर्मद साऊथ गुजरात यूनिवर्सिटी” के सामने, अंतिम प्रविष्टि तथा शीर्षक “पंजीकरण के लिए संक्षेपण” (इसके अन्तर्गत स्तंभ (3) के रूप में उल्लिखित) के अन्तर्गत उससे संबंधित प्रविष्टि के बाद, निम्नलिखित जोड़ा जाएगा, अर्थात् :—

(2)	(3)
“डाक्टर आफ मेडिसिन (स्किन एंड बी डी/त्वचा विज्ञान/त्वचारोग, रतिज रोग एवं कुष्ठ रोग) तथा डी वी डी/डी वी रोग एवं कुष्ठ रोग) तथा डी वी डी/डी वी एल (यह एक मान्यताप्राप्त चिकित्सा अहता होगी यदि यह 1986 को अथवा उसके बाद डिग्री के लिए तथा 1984 को डिप्लोमा के लिए प्रदान की गई हो)	एम.डी. (स्किन एंड बी डी/त्वचा रोग विज्ञान/त्वचारोग, रतिज रोग एवं कुष्ठ रोग) तथा डी वी डी/डी वी एल (यह एक मान्यताप्राप्त चिकित्सा अहता होगी यदि यह 1986 को अथवा उसके बाद डिग्री के लिए तथा 1984 को डिप्लोमा के लिए प्रदान की गई हो)

(ख) शीर्षक “मान्यताप्राप्त चिकित्सा अहता” (इसके पश्चात् स्तंभ (2) के रूप में उल्लिखित) के अन्तर्गत “सौराष्ट्र विश्वविद्यालय” के सामने, अंतिम प्रविष्टि तथा शीर्षक “पंजीकरण के लिए संक्षेपण” (इसके अन्तर्गत स्तंभ (3) के रूप में उल्लिखित) के अन्तर्गत उससे संबंधित प्रविष्टि के बाद, निम्नलिखित जोड़ा जाएगा, अर्थात् :—

(2)	(3)
“डाक्टर आफ मेडिसिन (क्षय एवं श्वसनी रोग/वक्ष रोग तथा डी टी सी डी) (यह एक मान्यताप्राप्त चिकित्सा अहता होगी यदि यह दिसम्बर 2004 को अथवा उसके पश्चात् प्रदान की गई हो)”	एम.डी. (क्षय एवं श्वसनी रोग/वक्ष रोग तथा डी टी सी डी)

(ग) शीर्षक “मान्यताप्राप्त चिकित्सा अहता” (इसके पश्चात् स्तंभ (2) के रूप में उल्लिखित) के अन्तर्गत “मनीपाल अकादमी आफ हायर एज्युकेशन, (समकक्ष विश्वविद्यालय)” के सामने, अंतिम प्रविष्टि तथा शीर्षक “पंजीकरण के लिए संक्षेपण” (इसके अन्तर्गत स्तंभ (3) के रूप में उल्लिखित) के अन्तर्गत उससे संबंधित प्रविष्टि के बाद, निम्नलिखित जोड़ा जाएगा, अर्थात् :—

(2)	(3)
“डाक्टर आफ मेडिसिन (शंखरुक्ष विज्ञान) (यह एक मान्यताप्राप्त चिकित्सा अहता होगी यदि यह 2001 को अथवा उसके पश्चात् प्रदान की गई हो)”	एम.डी. (शंखरुक्ष विज्ञान)

(घ) शीर्षक “मान्यताप्राप्त चिकित्सा अर्हता” [इसके पश्चात् स्तंभ (2) के रूप में उल्लिखित] के अन्तर्गत “गुजरात विश्वविद्यालय” के सामने, अंतिम प्रविष्टि तथा शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके अन्तर्गत स्तंभ (3) के रूप में उल्लिखित] के अन्तर्गत उससे संबंधित प्रविष्टि के बाद, निम्नलिखित जोड़ा जाएगा, अर्थात् :—

(2)	(3)
“मजिस्ट्रार चिरुर्गिए (बाल रोग सर्जरी)	एम.सी एच (बाल रोग सर्जरी) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह सितम्बर 1993 को अथवा उसके पश्चात् प्रदान की गई हो) ”

[सं. वी-11015/16/2004-एम.इ. (पी.-II)]

एस. के. मिश्रा, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

New Delhi, the 8th May, 2006

S. O. 1909.—In exercise of the powers conferred by sub-section (2) of the section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely :—

In the said Schedule —

(a) against “South Gujarat University/Veer Narmad South Gujarat University” under the heading ‘Recognized Medical Qualification’ [hereinafter to as column (2)], after the last entry and the entry relating thereto under the heading ‘abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted namely :—

(2)	(3)
Doctor of Medicine (Skin & VD/Dermatology/ Derma. Vene. & Leprosy) and DVD/DDVL	MD (Skin & VD/Dermatology/ Derma. Vene. & Leprosy) and DVD/DDVL (This shall be recognized medical qualification when granted on or after 1986 for degree and 1984 for Diploma.)

(b) against “Saurashtra University”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and the entry relating thereto under the heading ‘abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted namely :—

(2)	(3)
Doctor of Medicine (TB & Resp./Chest Diseases) and DTCD	MD (TB & Resp./Chest Diseases) and DTCD (This shall be recognized medical qualification when granted on or after December 2004)

(c) against “Manipal Academy of Higher Education (Deemed University), Manipal” under the heading ‘Recognized Medical Qualification’ [hereinafter to as column (2)], after the last entry and the entry relating thereto under the heading ‘abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted namely :—

(2)	(3)
Doctor of Medicine (Anatomy)	MD (Anatomy) (This shall be recognized medical qualification when granted on or after 2001)

(d) against “Gujarat University” under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and the entry relating thereto under the heading ‘abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted namely :—

(2)	(3)
Magistrar Chirurgise (Paed. Surgery)	M.Ch. (Paediatric Surgery) (This shall be recognized medical qualification when granted on or after September, 1993)

[No. V.-11015/16/2004-ME(P-II)]

S. K. MISHRA, Under Secy.

संचार और सूचना प्रौद्योगिकी मंत्रालय

(सूचना प्रौद्योगिकी विभाग)

नई दिल्ली, 10 मई, 2006

का. आ. 1910.—केन्द्र सरकार एतद्वारा राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में, सूचना प्रौद्योगिकी विभाग के अंतर्गत आने वाली अर्नेट इंडिया नामक स्वायत्त संस्था के इलेक्ट्रॉनिक्स निकेतन, 6, उसी.जी.ओ. कॉम्प्लेक्स, नई दिल्ली स्थित कार्यालय, जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

[सं. 7(2)/2005-हि.अ.]

बी. बी. बहल, संयुक्त निदेशक

**MINISTRY OF COMMUNICATIONS AND
INFORMATION TECHNOLOGY**
(Department of Information Technology)

New Delhi, the 10th May, 2006

S. O. 1910.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies the ERNET India, an autonomous society of the Department of Information Technology, located at Electronics Niketan, 6 CGO Complex, New Delhi, more than 80% staff whereof have acquired the working knowledge of Hindi.

[No. 7(2)/2005-H.S.]

B. B. BAHL, Jt. Director

विद्युत मंत्रालय

नई दिल्ली, 15 मई, 2006

का. आ. 1911.—केन्द्रीय सरकार सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा-3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा, विद्युत मंत्रालय, भारत सरकार की अधिसूचना संख्या का.आ. 1760, दिनांक 30 जून, 1990, में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना की सारणी के क्रम संख्या 1 और उससे संबंधित प्रविष्टियों के लिए निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात् :—

“1. श्री विल्सन अब्राहाम, एनटीपीसी लि. कोरबा सुपर थर्मल उप प्रबंधक (मानव संसाधन), पावर स्टेशन कोरबा, जिला कोरबा सुपर थर्मल पावर प्रोजेक्ट, बिलासपुर (छत्तीसगढ़) के एनटीपीसी लिमिटेड स्वामित्व वाली या पट्टे वाली और किराये की सभी भूमियां, क्वार्टर, एस्टेट संपत्तियां और अन्य आवास।”

[फा. सं. 8/6/1992-थर्मल-1]

हरीश चन्द्र, संयुक्त सचिव

टिप्पणी : मूल अधिसूचना भारत के राजपत्र में संख्या का.आ. 1760, दिनांक 30 जून, 1990 के जरिए प्रकाशित की गई थी और उसमें पिछली बार अधिसूचना संख्या का.आ. 327, दिनांक 25 दिसंबर, 2004 के जरिए संशोधन किया गया था।

MINISTRY OF POWER

New Delhi, the 15th May, 2006

S. O. 1911.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (40 of 1971), the Central

Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Power number S.O. 1760 dated the 30th June, 1990, namely :—

In the said notification in the Table, for serial number 1 and the entries relating thereto, the following shall be substituted, namely :—

“1. Shri Wilson Abraham, All lands, quarters, estate Deputy Manager (Human properties and other Resources), Korba Super accommodation owned or Thermal Power Project, leased and rented by NTPC Ltd. NTPC Limited. Korba Super Thermal Power Station, Korba, District Bilaspur (Madhya Pradesh)”。
[F. No. 8/6/1992-Th.-I]

HARISH CHANDRA, Jt. Secy.

Note : The Principal notification was published in the Gazette of India vide number. S.O. 1760 dated 30th June, 1990 and last amended under notification number S.O. 327 dated 25th December, 2004.

नई दिल्ली, 15 मई, 2006

का. आ. 1912.—केन्द्रीय सरकार सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा-3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा, विद्युत मंत्रालय, भारत सरकार की अधिसूचना संख्या का.आ. 128, दिनांक 27 जनवरी, 2001, में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना की सारणी के क्रम संख्या 2 और उससे संबंधित प्रविष्टियों के लिए निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात् :—

“2. श्री के. एस. मूर्ति, वरिष्ठ पोस्ट आफिस रिहंद नगर, जिला प्रबंधक (मानव संबंध), रिहंद सोनभद्र, उत्तर प्रदेश में रिहंद सुपर सुपर थर्मल पावर प्रोजेक्ट, थर्मल पावर प्रोजेक्ट, एनटीपीसी लि. के स्वामित्व वाली या पट्टे वाली और किराये की सभी भूमियां, क्वार्टर, एस्टेट संपत्तियां और आवास।”

[फा. सं. 8/6/1992-थर्मल-1]

हरीश चन्द्र, संयुक्त सचिव

टिप्पणी : मूल अधिसूचना भारत के राजपत्र में का.आ. संख्या 128, दिनांक 27, जनवरी, 2001 के जरिए संख्या 2178, दिनांक 2 अगस्त, 2004 के जरिए संशोधन किया गया था।

New Delhi, the 15th May, 2006

S. O. 1912.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (40 of 1971), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Power number S.O. 128 dated the 27th January, 2001 namely :—

In the said notification in the Table, for serial number 2 and the entries relating thereto, the following shall be substituted, namely :—

“2. “Shri K. S. Murthy, Senior Manager (Human Relations), Rihand Super Thermal Power Project, NTPC Limited. All lands, quarters, Estates, Properties and accommodation owned or leased and rented by Rihand Super Thermal Power Project, NTPC Limited, at Post Office Rihand Nagar, District Sonebhadra, Uttar Pradesh.”

[F. No. 8/6/1992-TH. I]

HARISH CHANDRA, Jt. Secy.

Note : The Principal notification was published in the Gazette of India vide number S.O. 128 dated 27th January, 2001 and last amended vide notification number S.O. 2178 dated the 2nd August, 2003.

नई दिल्ली, 15 मई, 2006

का. आ. 1913.—केन्द्रीय सरकार सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा-3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा, विद्युत मंत्रालय, भारत सरकार की अधिसूचना संख्या का.आ. 1590, दिनांक 24 जुलाई, 1993, में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना की सारणी के क्रम संख्या 3 और उससे संबंधित प्रविष्टियों के लिए निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात् :—

“3. श्री ए. के. मिश्रा चौधर्य एनटीपीसी लि. के स्वामित्व वाले प्रबंधक (मानव संसाधन), तालचेर सुपर थर्मल पावर प्रोजेक्ट, एनटीपीसी लि. पो. ऑ. कनिहा, जिला अंगुल, उड़ीसा) अर्थवा उससे संबंधित अर्थवा पट्टे पर लिए गए और इसके तालचेर सुपर थर्मल पावर प्रोजेक्ट पोस्ट ऑफिस कनिहा, जिला अंगुल, पिन-759101 (उड़ीसा) के प्रशासनिक नियंत्रण के अंतर्गत सभी परिसर।”

[फा. सं. 8/6/1992-थर्मल-I]

हरीश चन्द्र, संयुक्त सचिव

टिप्पणी : मूल अधिसूचना भारत के राजपत्र में संख्या का.आ. 1590, दिनांक 24 जुलाई, 1993 के जरिए प्रकाशित की गई थी और उसमें पिछली बार अधिसूचना संख्या का.आ. 235, दिनांक 29 जनवरी, 2000 के जरिए संशोधन किया गया था।

New Delhi, the 15th May, 2006

S. O. 1913.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (40 of 1971), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Power number S.O. 1590 dated the 24th July, 1993 namely :—

In the said notification in the Table, for serial number 3 and the entries relating thereto, the following shall be substituted, namely :—

“3. Shri A. K. Mishra, Senior Manager (Human Resources), Talcher Super Thermal Power Project, NTPC Limited, P.O. Kaniha, District, Angul (Orissa) All premises owned or belonging to or taken on lease by NTPC Limited and under the administrative control of its Talcher Super Thermal Power Project at P.O. Kaniha, District Angul Pin. 759101 (Orissa).”

[F. No. 8/6/1992-TH. I]

HARISH CHANDRA, Jt. Secy.

Note : The Principal notification was published in the Gazette of India vide number S.O. 1590 dated 24th July, 1993 and last amended vide notification number S.O. 235 dated 29th January, 2000.

नई दिल्ली, 15 मई, 2006

का. आ. 1914.—केन्द्रीय सरकार सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा-3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा, विद्युत मंत्रालय, भारत सरकार की अधिसूचना संख्या का.आ. 1257, दिनांक 13 अप्रैल, 2002, में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना की सारणी के क्रम संख्या 6 और उससे संबंधित प्रविष्टियों के लिए निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात् :—

“4. श्री पी.सी. विश्वनाथन, एनटीपीसी लि. से संबंधित अर्थवा प्रबंधक (विधि), कारपोरेट सेंटर, एनटीपीसी लिमिटेड, स्कोप काम्पलेक्स, कोर-7, लोधी रोड, नई दिल्ली उसके द्वारा पट्टे पर लिए गए और इसके कारपोरेट सेंटर, नेशनल थर्मल पावर कारपोरेशन भवन, स्कोप काम्पलेक्स, 7, इंस्टीट्यूशनल एरिया, लोधी रोड, नई दिल्ली के प्रशासनिक नियंत्रण के अंतर्गत सभी परिसर।”

[फा. सं. 8/6/1992-थर्मल-I]

हरीश चन्द्र, संयुक्त सचिव

टिप्पणी : मूल अधिसूचना भारत के राजपत्र में संख्या का.आ. 1257, दिनांक 13 अप्रैल, 2002 के जरिए प्रकाशित की गई थी।

New Delhi, the 15th May, 2006

S.O. 1914.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (40 of 1971), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Power number S.O. 1257, dated the 13th April, 2002, namely :—

In the said notification in the Table, for serial number 4 and the entries relating thereto, the following shall be substituted, namely :—

“4. Shri P.C. Vishwanathan, All premises belonging to or Manager (Law), Corporate taken on lease by NTPC Centre, NTPC Limited, Limited under the administrative Scope Complex, control of its Corporate Core 7, Lodhi Road, Centre at National Thermal Power Corporation Bhawan, New Delhi. Scope Complex, 7, Institutional Area, Lodhi Road, New Delhi.”

[F. No. 8/6/1992-Th. I]

HARISH CHANDRA, Jt. Secy.

Note : The Principal notification was published in the Gazette of India *vide* number S.O. 1257 dated the 13th April, 2002.

नई दिल्ली, 15 मई, 2006

का.आ. 1915.—केन्द्रीय सरकार सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की ध अरा-3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा, विद्युत मंत्रालय, भारत सरकार की अधिसूचना संख्या का.आ. 1257, दिनांक 13 अप्रैल, 2002, में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना की सारणी के क्रम संख्या 6 और उससे संबंधित प्रविष्टियों के लिए निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात् :—

“6. श्री पी.के. तिवारी, प्रबंधक (आर एंड आर), कोलडैम हाइड्रो पावर प्रोजेक्ट, एनटीपीसी लि. एनटीपीसी लि. के स्वामित्व वाले अर्थवा उससे संबंधित अर्थवा पट्टे पर लिए गए और इसके कोलडैम हाइड्रो पावर प्रोजेक्ट, ब्रामाना जिला बिलासपुर, हिमाचल प्रदेश के प्रशासनिक नियंत्रण के अंतर्गत सभी परिसर! ”

[फा. सं. 8/6/1992-थर्मल-1]

हरीश चन्द्र, संयुक्त सचिव

टिप्पणी : मूल अधिसूचना भारत के राजपत्र में संख्या का.आ. 1257, दिनांक 13 अप्रैल, 2002 के जरिए प्रकाशित की गई थी और उसमें पिछली बार अधिसूचना संख्या का.आ. 3122 दिनांक 11 दिसंबर, 2004 के जरिए संशोधन किया गया था।

New Delhi, the 15th May, 2006

S. O. 1915.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (40 of 1971), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Power number S.O. 1257, dated the 13th April, 2002, namely :—

In the said notification in the Table, for serial number 6 and the entries relating thereto, the following shall be substituted, namely :—

“6. Shri P.K. Tiwari, Manager (Resettlement and Rehabilitation), Koldam Hydro Power Project, NTPC Limited, All premises owned belonging to or taken on lease by NTPC Limited and under the administrative control of its Koldam Hydro Power Project, Bramana, District Bilaspur, Himachal Pradesh.”

[F. No. 8/6/1992-Th. I]

HARISH CHANDRA, Jt. Secy.

Note : The Principal notification was published in the Gazette of India *vide* number S.O. 1257 dated 13th April, 2002 and last amended *vide* notification number S.O. 3122 dated the 11th December, 2004.

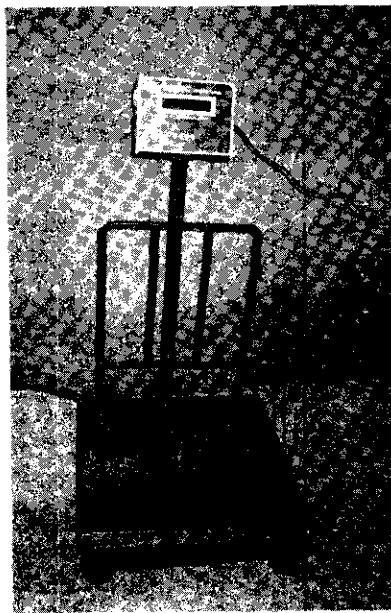
उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

नई दिल्ली, 1 मई, 2006

का.आ. 1916.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एक्टिव बेइंग सिस्टम, नजदीक जूनियर हाई स्कूल, नैनीताल रोड, रुद्रपुर, उत्तरांचल द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “ए डब्ल्यू पी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “ए डब्ल्यू एस” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/141 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 1000 कि. ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टार्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन, सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 50 कि.ग्रा. से अधिक और 5000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(09)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

New Delhi, the 1st May, 2006

S.O. 1916.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Platform type) with digital indication of "AWP" series of medium accuracy (Accuracy class-III) and with brand name "AWS" (hereinafter referred to as the said Model), manufactured by M/s. Active Weighing System, Near Junior High School, Nanital Road, Rudrapur, Uttarakhand and which is assigned the approval mark IND/09/2006/141;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and upto 5000kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

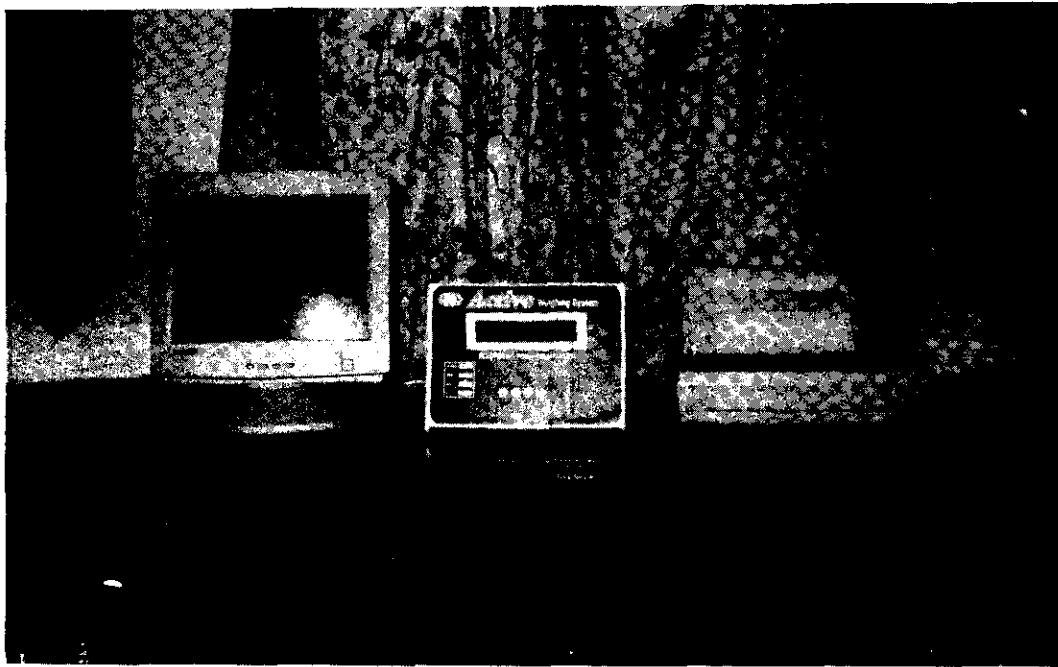
[F. No. WM-21(09)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 मई, 2006

का.आ. 1917.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एकिटव वेइंग सिस्टम, नजदीक जूनियर हाई स्कूल, नैनीताल रोड, रुद्रपुर, उत्तरांचल द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “ए डब्ल्यू डब्ल्यू” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) के मॉडल का, जिसके ब्रांड का नाम “ए डब्ल्यू एस” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/142 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल ए विकृति गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) है। इसकी अधिकतम क्षमता 60 टन और न्यूनतम क्षमता 200 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शात प्रतिशत व्यवकलनात्मक धारित आधेयतुलन ग्रभाव है। सत्यापन मापमान अन्तराल (ई) का मान 10 कि. ग्रा. है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 बोल्ट और 50 हॉर्ड प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टॉपिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

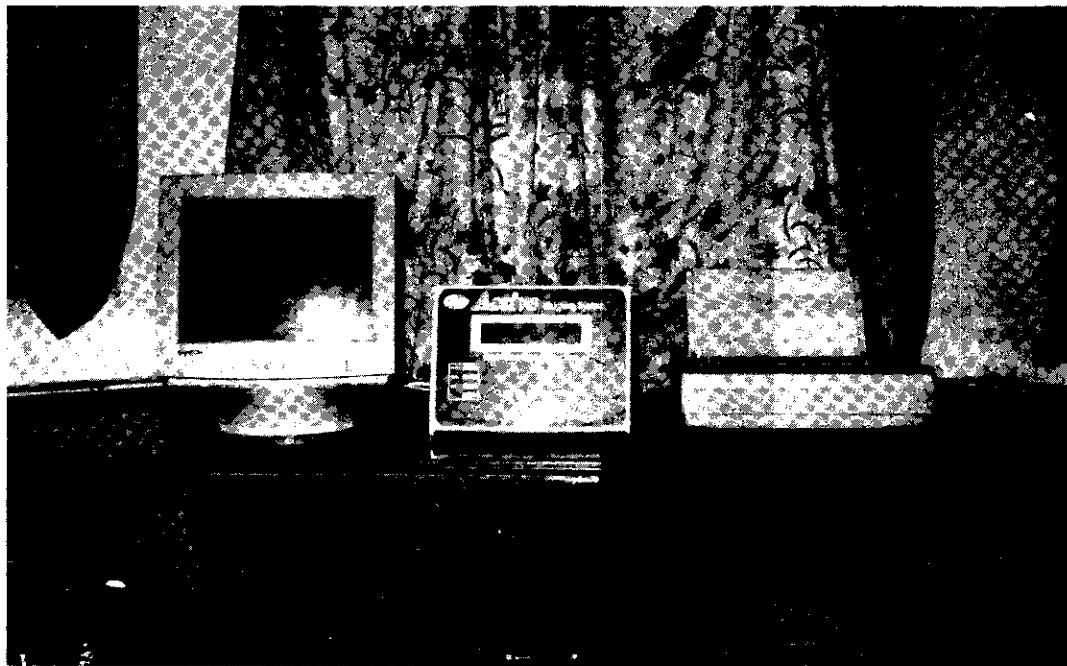
और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि. ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान (एन) अन्तराल सहित 5 टन से अधिक और 200 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूणीक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21(09)/2006]
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st May, 2006

S.O. 1917.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Weighbridge type) with digital indication of "AWW" series of medium accuracy (accuracy class-III) and with brand name "AWS" (hereinafter referred to as the said model), manufactured by M/s. Active Weighing System, Near Junior High School, Nanital Road, Rudrapur, Uttarakhand and which is assigned the approval mark IND/09/2006/142;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge type) with a maximum capacity of 60 tonne and minimum capacity of 200 kg. The verification scale interval (e) is 10 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and upto 200 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5kg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

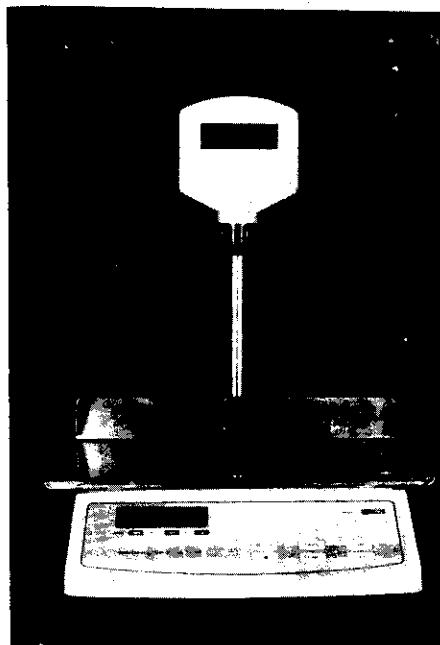
[F. No. WM-21(09)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 3 मई, 2006

का.आ. 1918.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मूर्ति सेल्स कार्पोरेशन, नं. 201, माल रोड, बिहाइन्ड सेनी स्कीट्स, करनाल, हरियाणा द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “एसटी ई” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “सीगा” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/260 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार) के तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्शन तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक 'ई' मान के लिए 100 से 50,000 तक के रेंज में सत्यापन अन्तराल (एन) और 100 मि. ग्रा. या उससे अधिक के 'ई' मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन अन्तराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो घनात्मक या छृणात्मक पूर्णक या शून्य के समतुल्य हैं।

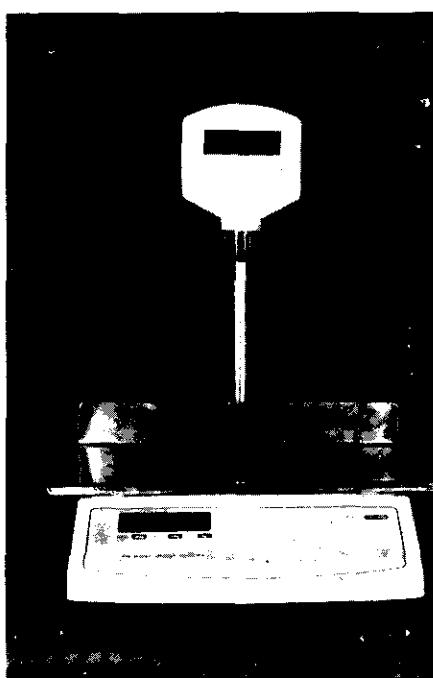
[फा. सं. डब्ल्यू एम-21 (36)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 3rd May, 2006

S.O. 1918.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of high accuracy (Accuracy class-II) of series "STE" and with brand name "SEGA" (hereinafter referred to as the said Model), manufactured by M/s. Murti Sales Corporation, No. 201, Mall Road, Behind Saini Sweets, Karnal, Haryana and which is assigned the approval mark IND/09/06/260;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms, in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50 mg. and with verification scale internal (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

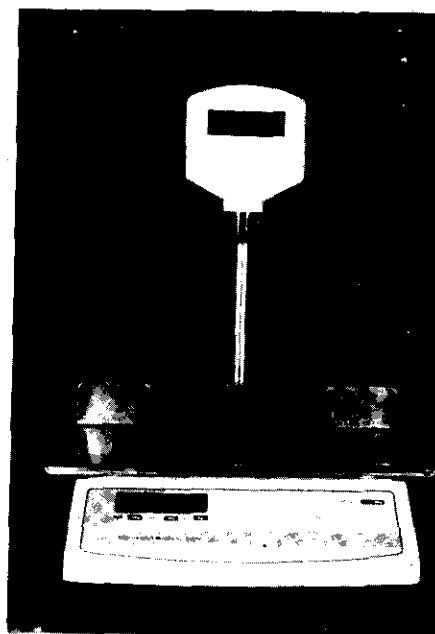
[F. No. WM-21(36)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 3 मई, 2006

का.आ. 1919.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मूर्ति सेल्स कार्पोरेशन, न. 201, माल रोड, बिहाइन्ड सैनी स्वीट्स, करनाल, हरियाणा, द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले 'एस टी एस' शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम 'सीगा' है (जिसे इसमें इसके पश्चात उक्त माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/261 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टार्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, संकिंचित डायग्राम वर्किंग सिद्धांत आदि के रूप में कोई परिवर्तन नहीं किया जा सके।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का उक्त विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही भेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. के 'ई' मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) और 5 ग्रा. या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अन्तराल (एन) सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

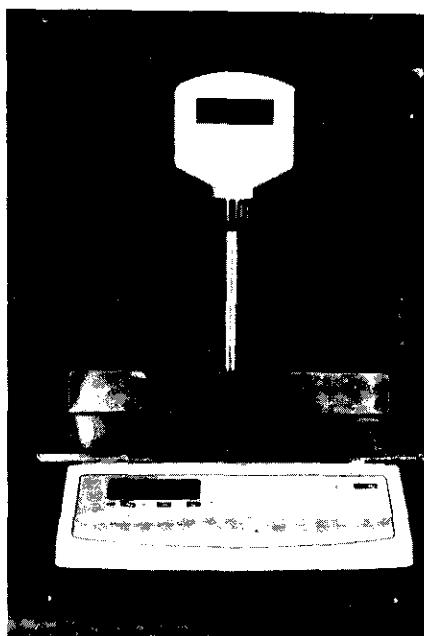
[फा. सं. डब्ल्यू एम 21 (36)/2006]

पी. ए. कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 3rd May, 2006

S.O. 1919.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of medium accuracy (accuracy class-III) of series "STS" and with brand name "SEGA" (hereinafter referred to as the said model), manufactured by M/s. Murti Sales Corporation, No. 201, Mall Road, Behind Saini Sweets, Karnal, Haryana and which is assigned the approval mark IND/09/06/261;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2 g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

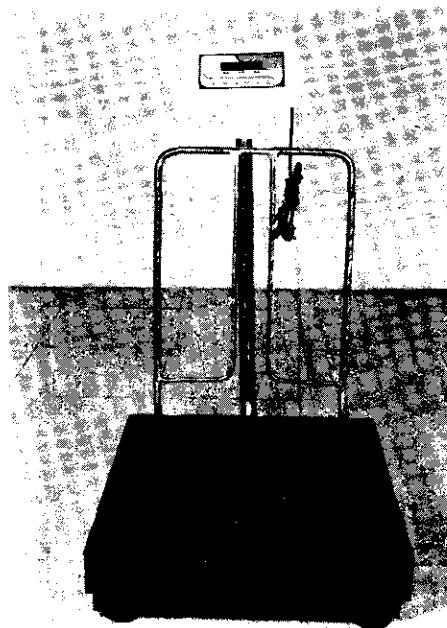
[F. No. WM-21(36)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 3 मई, 2006

का.आ. 1920.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बाट की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मूर्ति सेल्स कार्पोरेशन, नं. 201, माल रोड, बिहाइन्ड सैनी स्वीट्स, करनाल, हरियाणा, द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले 'एस पी ई' शृंखला के अंकक सूचना सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का जिसके ब्रांड का नाम 'सीगा' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/262 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 5 कि. ग्रा. है। सत्यापन मापमान अन्तराल 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टार्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा।

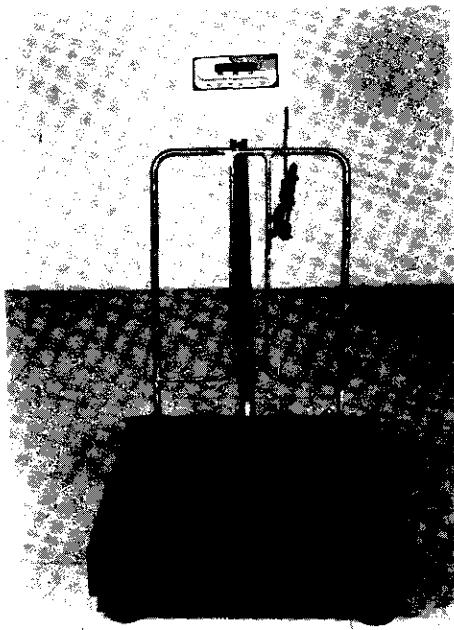
और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. या उससे अधिक के 'ई' मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान (एन) अन्तराल सहित 50 कि. ग्रा. से अधिक और 5000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (36)/2006]
पी. ए. कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 3rd May, 2006

S.O. 1920.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of high accuracy (Accuracy class-II) of series "SPE" and with brand name "SEGA" (hereinafter referred to as the said model), manufactured by M/s. Murti Sales Corporation, No. 201, Mall Road, Behind Saini Sweets, Karnal, Haryana and which is assigned the approval mark IND/09/06/262;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg. and minimum capacity of 5 kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 5000 kg. with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

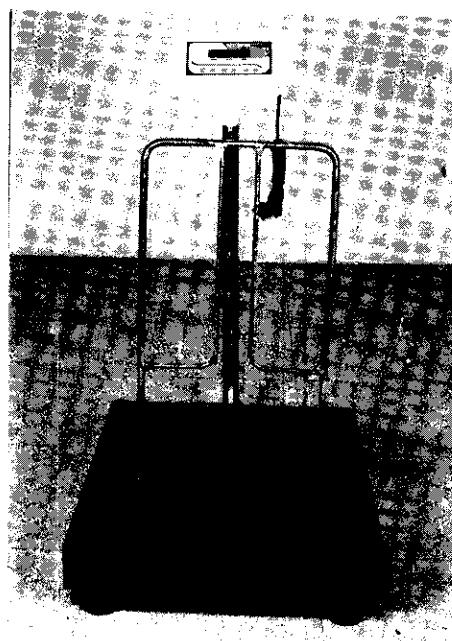
[F. No. WM-21(36)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 3 मई, 2006

का.आ. 1921.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मूर्ति सेल्स कार्पोरेशन, नं. 201, माल रोड, बिहाइन्ड सैनी स्वीट्स, करनाल, हरियाणा, द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले 'एस पी एस' शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का जिसके ब्रांड का नाम 'सीगा' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/263 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल 'एस' विकृति गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अन्तराल 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ड्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टारिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

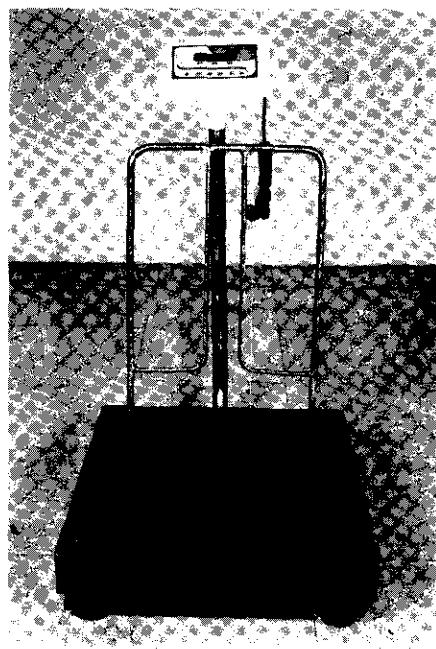
और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान (एन) अन्तराल सहित 50 कि. ग्रा. से अधिक और 5000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^k , 2×10^k या 5×10^k , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (36)/2006]
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 3rd May, 2006

S.O. 1921.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (accuracy class-III) of series "SPS" and with brand name "SEGA" (hereinafter referred to as the said Model), manufactured by M/s. Murti Sales Corporation, No. 201, Mall Road, Behind Saini Sweets, Karnal, Haryana and which is assigned the approval mark IND/09/06/263;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 5000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

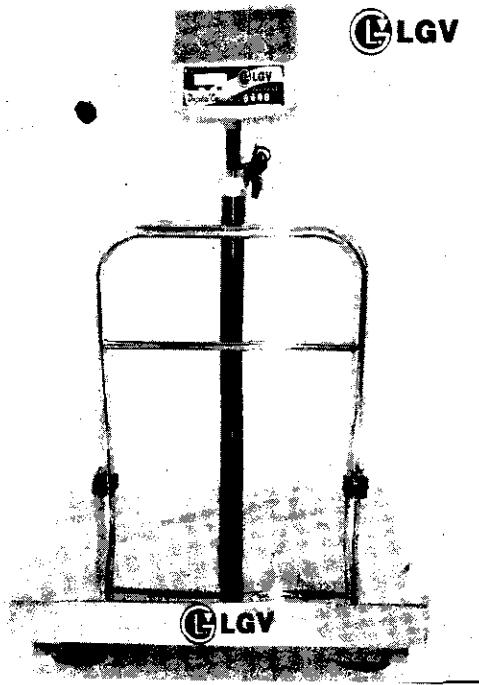
[F. No. WM-21(36)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 3 मई, 2006

का.आ. 1922.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एल गोविन्द वीरा, मणिभाई रोड, सर्वकुण्डला-364515, गुजरात द्वारा निर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले एल जी वी पी-02 शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का जिसके ब्रांड का नाम 'एल जी वी' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/169 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 500 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अन्तराल ई का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल. ई. डी.) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित/परिवर्धित नहीं किया जाएगा।

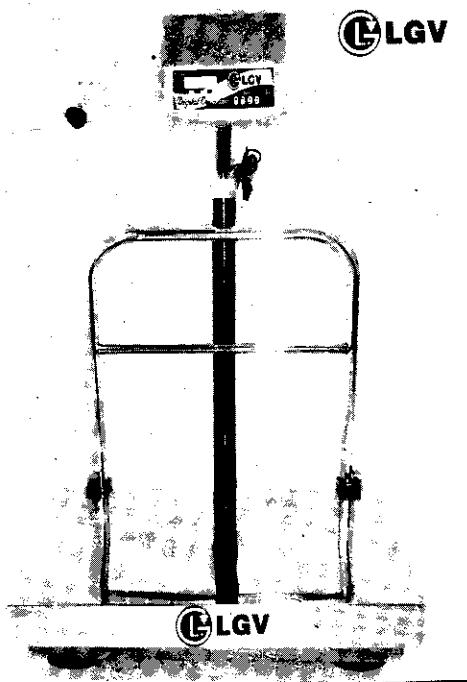
और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अन्तराल सहित 50 कि. ग्रा. से 1000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21 (28)/2006]
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 3rd May, 2006

S.O. 1922.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the non-automatic weighing instrument (Platform type) with digital indication of "LGPV 02" series of medium accuracy (accuracy class-III) and with brand name "LGV" (hereinafter referred to as the said model), manufactured by M/s. L. Govind Vira, Manibhai Road, Savarkundla-364 515, Gujarat and which is assigned the approval mark IND/09/06/169;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 500 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 1000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(28)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 3 मई, 2006

का. आ. 1923.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एल. गोविन्द वीरा, मणिभाइ रोड, सर्वकुण्डला-364 515, गुजरात द्वारा निर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले “एल जी वी टी-01” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का जिसके ब्रांड का नाम “एल जी वी” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2006/168 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है;



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल.ई.डी.) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को उस सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धान्त आदि की शर्तों पर परिवर्तित/परिवर्धित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उस विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुपोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के बैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्राम तक 'ई' मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्राम या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या क्लॉणात्मक या पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21 (28)/2006]
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 3rd May, 2006

S.O. 1923.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Table top type) with digital indication of "LGV-01" series of medium accuracy (accuracy class-III) and with brand name "LGV" (herein referred to as the said model), manufactured by M/s. L. Govind Vira, Manibhi Road, Savarkundla-364 515, Gujrat and which is assigned the approval mark IND/09/06/168;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instruments operate on 230V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(28)/2006]

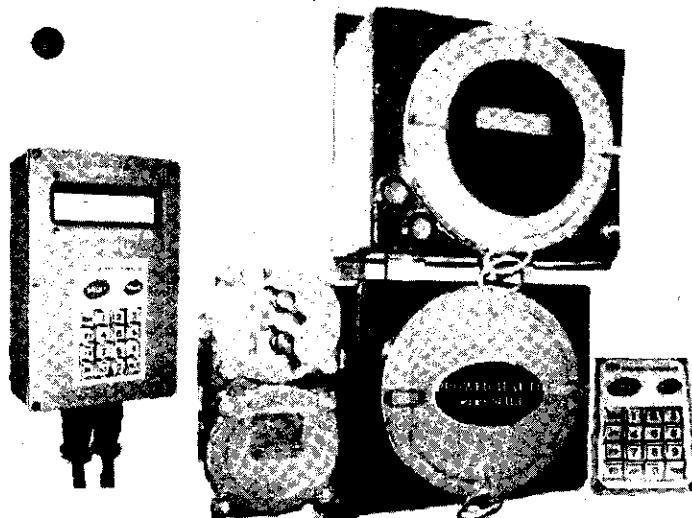
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 3 मई, 2006

का. आ. 1924.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा।

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इन्टेलीजेंट माइक्रो सिस्टम प्रा. लिमिटेड, यूनिट-14, ब्लाक-II, सिडिको इलैक्ट्रॉनिक्स काम्पलैक्स, तिरुवि का इण्डस्ट्रियल इस्टेट, गुंडी, चेन्नई-600 032 द्वारा निर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले आई एन एम-पी डब्ल्यू एस्सफिल शृंखला के स्वचालित ग्रेवी मीट्रिक फिलिंग मशीन के मॉडल का जिसके ब्रांड का नाम “प्रो व्हे आटो” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2006/188 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित स्वचालित (ग्रेवी मीट्रिक फिलिंग मशीन) है। इसकी अधिकतम क्षमता 100 कि.ग्रा. और न्यूनतम क्षमता 400 ग्राम है। सत्यापन मापमान 20/50 ग्राम है। प्रकाश उत्सर्जक डायोड (एल.ई.डी.) प्रदर्श तोलन परिणाम उपदर्शित करता है।



स्टार्मिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 कि. ग्रा. से 100 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं।

[फा. सं. डब्ल्यू एम-21 (164)/2004]

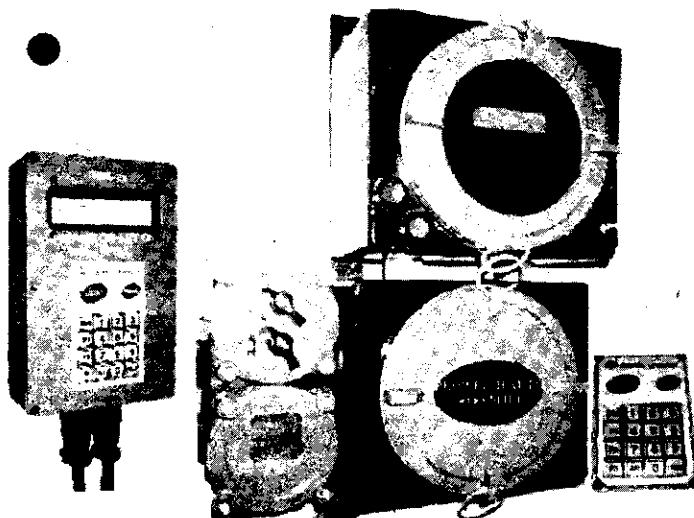
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 3rd May, 2006

S.O. 1924.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of Automatic Gravimetric Filling Machine of medium accuracy (accuracy class-III) of "INM-PWA-SFILL" series with brand name "PRO-WEIGH-AUTO" (herein referred to as the said Model), manufactured by M/s. Intelligent Micro System Pvt. Ltd., Unit 14, Block II, Sidco Electronic Complex, Thiru Vi Ka Industrial Estate, Gundy, Chennai-600 032 and which is assigned the approval mark IND/09/06/188;

The said Model (see the figure given below) is a load cell based automatic gravimetric filling machine with a maximum capacity of 100kg and minimum capacity of 400g. verification scale interval (e) is 20g/50g. It fills with a maximum frequency of 80 cylinders per hour. The Liquid Crystal Display (LCD) indicates the weighing result.



In addition to the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, and performance of same series with capacity in the range of 1kg. to 100kg., manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(164)/2004]

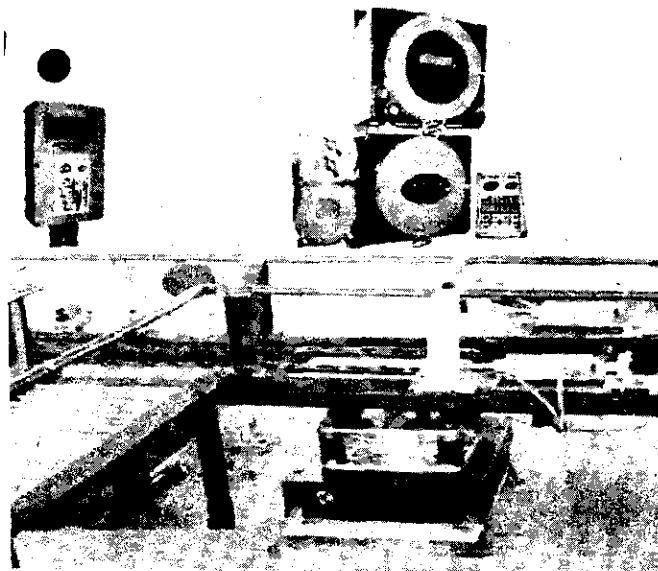
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 3 मई, 2006

का. आ. 1925.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में बर्जित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इंटरलीजेंट माइक्रो सिस्टम प्रा. लिमिटेड, यूनिट-14, ब्लॉक-II, सिडिको इलैक्ट्रॉनिक्स काम्प्लैक्स, थिरु वि का इण्डस्ट्रियल इस्टेट, गुंडी, चेन्नई-600032 द्वारा निर्मित मध्यम यथार्थता वर्ग (मध्यथार्थता वर्ग-III) वाले ओ आई एम एल-आई आर 76-1 के अनुसार “आई एन एम-पी डब्ल्यू-सी के डब्ल्यू” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (इलैक्ट्रॉनिक चैक व्ह प्रकार) के मॉडल का जिसके ब्रांड का नाम “प्रो-व्सहे-आटो” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2006/189 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित इलैक्ट्रॉनिक चैक व्हे अर मशीन है। इसकी अधिकतम क्षमता 100 कि.ग्रा. और न्यूनतम क्षमता 400 ग्राम है। सत्यापन मापमान अंतराल (ई) 20 ग्राम है। प्रकाश उत्सर्जक डायोड (एल.ई.डी.) प्रदर्श तोलन परिणाम उपदर्शित करता है और इसकी अधिकतम आवर्ती 1400 सिलैण्डर प्रति घण्टा है।



स्टार्मिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह धोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही भेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 कि. ग्रा. से 2 ग्राम तक 'ई' मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्राम या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल सहित 100 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^4 , 2×10^4 5×10^4 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

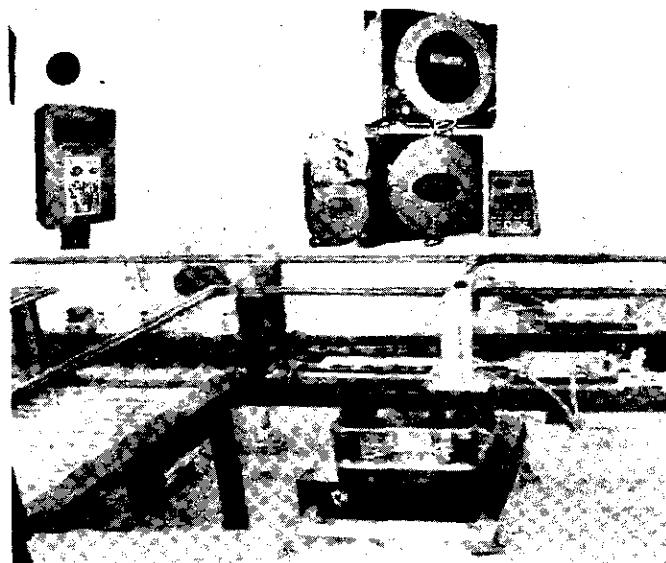
[फा. सं. डब्ल्यू एम-21 (164)/2004]
पी. ए. कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 3rd May, 2006

S.O. 1925.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the models described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of the Non Automatic Weighing Instrument (Electronic Check Weigher type) with digital indication of medium accuracy (accuracy class-III) as per OIML-IR 76-1 and brand "PRO-WEIGH-AUTO" model series "INM-PWA-CKW" (herein after referred to as the said model), manufactured by M/s Intelligent Micro System Pvt. Ltd., Unit 14, Block II, Sidco Electronic Complex, Thiru Vi Ka Industrial Estate, Gundy, Chennai-600 032 and which is assigned the approval mark IND/09/06/189;

The said model (see the figure given below) is a strain gauge type load cell based Electronic Check Weigher machine. The maximum weighing capacity is 100kg and minimum capacity of 400g. with maximum frequency of 1400 cylinders per hour. The verification scale interval is 20g. The Liquid Crystal display (LCD) indicates the weighing result. In addition to the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity up to 100kg and with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the said manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21(164)/2004]

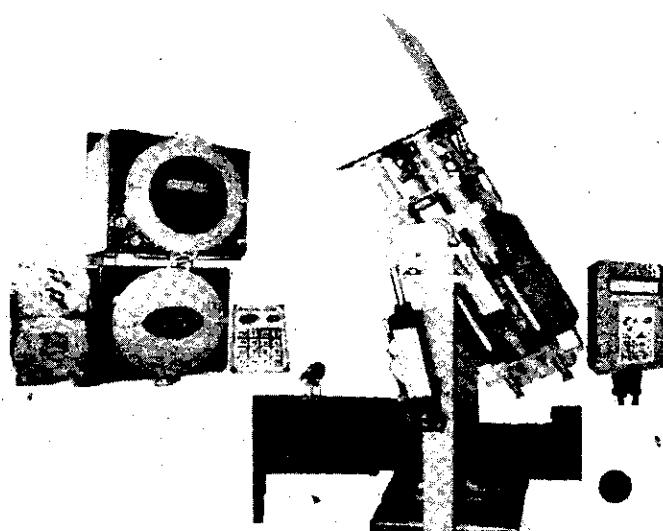
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 3 मई, 2006

का. आ. 1926.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई ओकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बाट की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा।

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इन्टेलीजेंट माइक्रो सिस्टम प्रा. लिमिटेड, यूनिट-14, ब्लॉक-II, सिडिको इलैक्ट्रॉनिक्स काम्पलैक्स, तिरु वि का इण्डस्ट्रियल इस्टेट, गुडी, चैम्बर्स-600032 द्वारा निर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले ओ आई एम एल-आई आर 76-1 के अनुसार “आई एन एम-पी डब्ल्यू ए आई सी यू” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (इलैक्ट्रॉनिक चैक व्हेअर प्रकार) के मॉडल का जिसके ब्रांड का नाम “प्रो व्हे आटो” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/190 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित इलैक्ट्रॉनिक चैक व्हेअर मशीन है। इसकी अधिकतम क्षमता 100 कि.ग्रा. और न्यूनतम क्षमता 400 ग्राम है और अधिकतम आवर्ती 200 सिलेण्डर प्रति घण्टा है। सत्यापन मापमान 20/50 ग्राम है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्राम तक ‘ई’ मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन), और 5 ग्राम या उससे अधिक के ‘ई’ मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल सहित 100 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और ‘ई’ मान 1×10^4 , 2×10^4 या 5×10^4 के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21 (164)/2004]

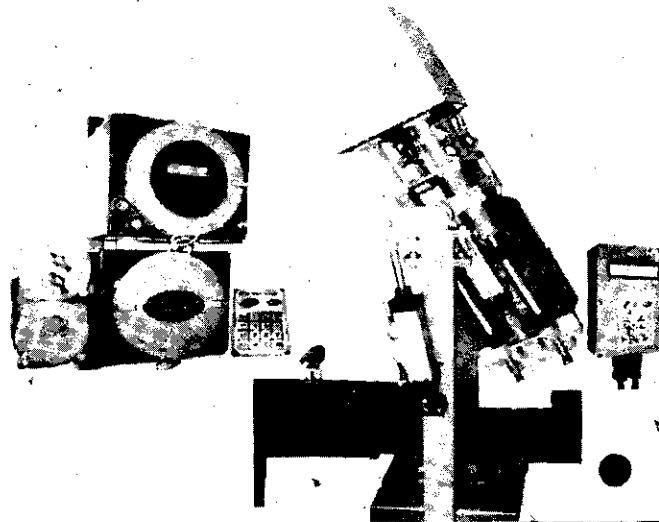
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 3rd May, 2006

S.O. 1926.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the Non Automatic Weighing Instrument (Electronic Check Weigher type) with digital indication of medium accuracy (accuracy class-III) as per OIML-IR 76-1 and brand "PRO-WEIGH-AUTO" model series "INM-PWA-ICU" (herein after referred to as the said model), manufactured by M/s. Intelligent Micro System Pvt. Ltd., Unit 14, Block II, Sidco Electronic Complex, Thiru Vi Ka Industrial Estate, Gundy, Chennai-600 032 and which is assigned the approval mark IND/09/06/190;

The said model (see the figure given below) is a strain gauge type load cell based Electronic Check Weigher machine. The maximum weighing capacity is 100kg and minimum capacity of 400g. with maximum frequency of 200 cylinders per hour. The verification scale interval is 20g/50g. The Liquid Crystal Display (LCD) indicates the weighing result. In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices.



Further, in exercise of the powers conferred by sub-section (12) of the Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity up to 100kg and with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

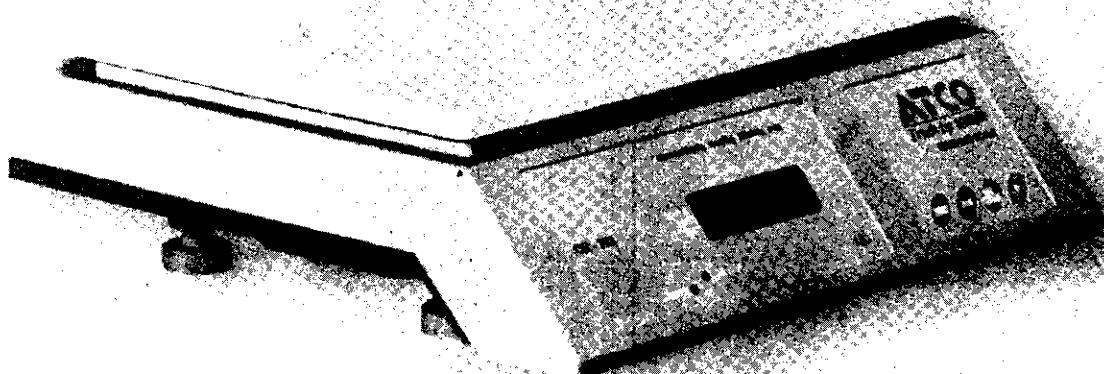
[F. No. WM-21(164)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 3 मई, 2006

का. आ. 1927.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एटको वेइंग सॉल्यूशन प्रा. लि., 3/ए, लालबाणी इंडस्ट्रील इस्टेट, 14, जी डी अम्बेडकर रोड, मुंबई-400031, महाराष्ट्र द्वारा निर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले “ओ आर-102” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का जिसके ब्रांड का नाम “ओ सी टी ए” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/1085 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल.ई.डी.) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 बोल्ट्स और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के बैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक 'ई' मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मान अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^6 , 2×10^6 या 5×10^6 के हैं, जो धनात्मक या ऋणात्मक पूणिक या शून्य के समतुल्य हैं।

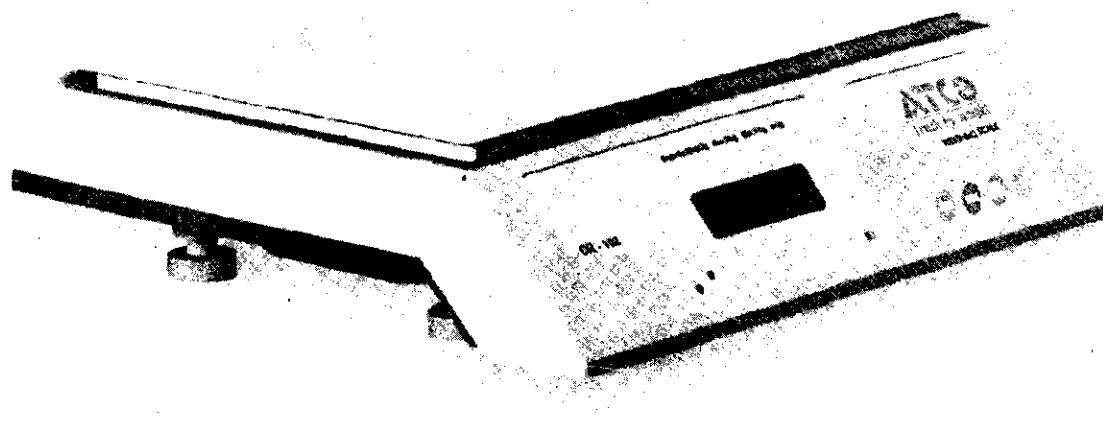
[फा. सं. डब्ल्यू एम 21 (337)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 3rd May, 2006

S.O. 1927.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the models described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "OR-102" series of high accuracy (Accuracy class-II) and with brand name "OCTA" (herein after referred to as the said model), manufactured by M/s. Atco Weighing Solution Pvt. Ltd., 3/A, Lalwani Industrial Estate, 14, G.D. Ambedkar Road, Mumbai-400031, Maharashtra which is assigned the approval mark IND/09/2005/1085;



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The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of the Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 5g. and with verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100mg. or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

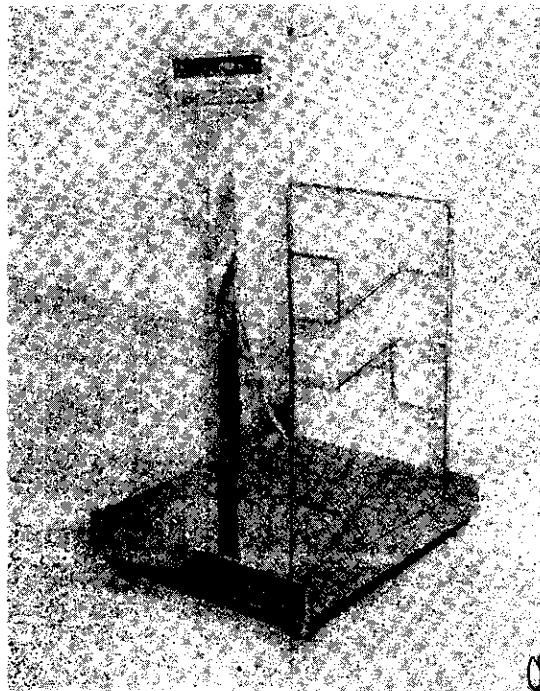
[F. No. WM-21(337)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 3 मई, 2006

का. आ. 1928.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एट्को वेइंग सॉल्यूशन प्रा. लि., 3/ए, लालवाणी इंडस्ट्रीयल इस्टेट, 14, जी डी अम्बेडकर रोड, मुंबई-400031, महाराष्ट्र द्वारा निर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले “ओ आई-101” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेट फार्म प्रकार) के मॉडल का जिसके ब्रांड का नाम “ओ सी टी ए” है (जिसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/1087 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 150 कि.ग्रा. और न्यूनतम क्षमता 500 ग्राम है। सत्यापन मापमान अंतराल (ई) 10 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल.ई.डी.) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टामिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. या उससे अधिक के ‘ई’ मान के लिए 5,000 से 50,000 तक की रेंज में सत्यापन अंतराल (एन) सहित 50 कि.ग्रा. से 1,000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और ‘ई’ मान 1×10^k , 2×10^k या 5×10^k के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

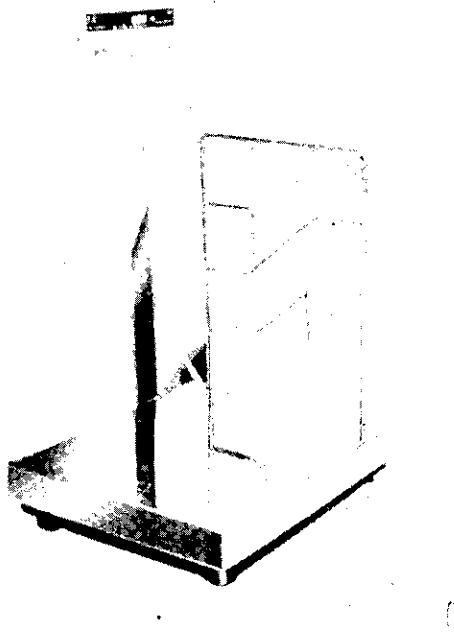
[फा. सं. डब्ल्यू एम 21 (337)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 3rd May, 2006

S.O. 1928.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the models described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of series "OI-101" and of high accuracy (Accuracy Class-II) with brand name "OCTA" (hereinafter referred to as the said model), manufactured by M/s Atco Weighing Solution Pvt. Ltd., 3/A, Lalwani Industrial Estate, 14, G.D. Ambedkar Road, Mumbai-400031, Maharashtra and which is assigned the approval mark IND/09/05/1087:



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 150kg and minimum capacity of 500g. The verification scale interval (e) is 10g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and upto 1,000kg with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

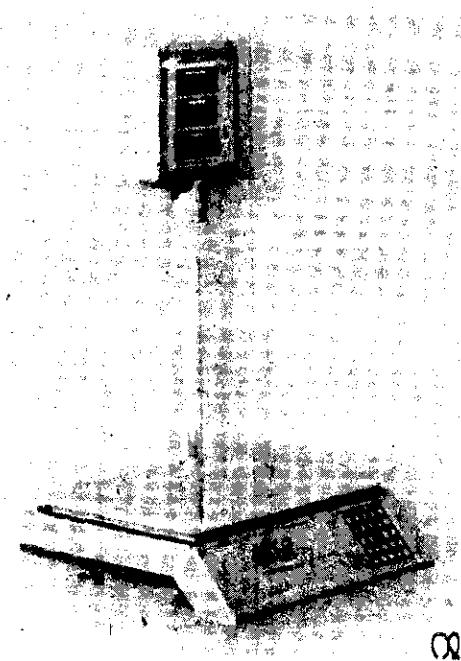
[F. No. WM-21(337)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 3 मई, 2006

का. आ. 1929.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एट्को वेइंग सॉल्यूशन प्रा. लि., 3/ए, लालबाणी इंडस्ट्रीयल इस्टेट, 14, जी डी अम्बेडकर रोड, मुंबई-400031; महाराष्ट्र द्वारा निर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले “ओ आर-101” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का जिसके ब्रांड का नाम “ओ सी टी ए” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/1086 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अंतराल (ई) 5 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्याकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल.ई.डी.) प्रदर्श तोलन परिणाम उपर्याप्त करता है। उपकरण 230 बोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी विनिर्माता द्वारा उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के बैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 कि.ग्रा. से 2 ग्राम तक 'ई' मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्राम या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं, जो धनात्मक या ऋणात्मक पूर्णीक या शून्य के समतुल्य हैं।

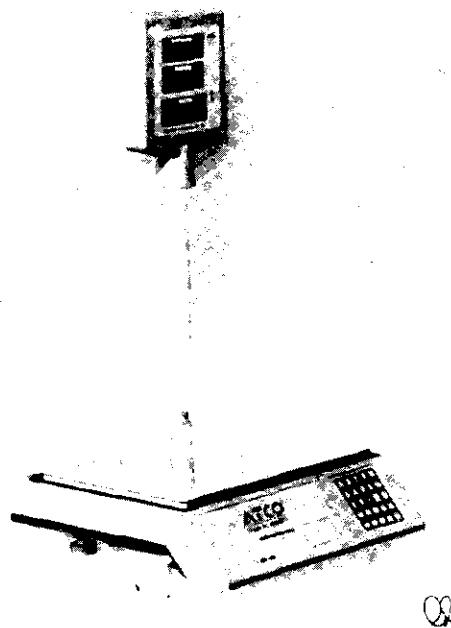
[फा. सं. डब्ल्यू एम-21 (337)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 3rd May, 2006

S.O. 1929.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the models described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of series "OR-101" and of medium accuracy (Accuracy Class-III) with brand name "OCTA" (hereinafter referred to as the said model), manufactured by M/s. Atco Weighing Solution Pvt. Ltd., 3/A, Lalwani Industrial Estate, 14, G.D. Ambedkar Road, Mumbai-400031, Maharashtra and which is assigned the approval mark IND/09/05/1086;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of the Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(337)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 4 मई, 2006

का० आ०. 1930.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बाट की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स फूज्जी वेइंग एंड ऑटोमेशन, 47वां मेन रोड, तीसरा ब्लाक, चतुर्थ स्टेज, बासवेसवरा नगर, बंगलौर-560079 द्वारा निर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले “एफ डब्ल्यू ए-एल डब्ल्यू एस” शृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (वेब्रिज प्रकार) के मॉडल का, जिसके ब्रांड का नाम “सुमुका” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/102 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (तोल सेतु प्रकार का) है। इसकी अधिकतम क्षमता 40 टन और न्यूनतम क्षमता 200 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 10 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टॉपिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, संकेट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^k , 2×10^k या 5×10^k के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21(351)/2005]

पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th May, 2006

S.O. 1930.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instruments (Weighbridge type) with digital indication of medium accuracy (Accuracy Class-III) of series 'FWA-LWS' and with brand name "SUMUKA" (hereinafter referred to as the said model), manufactured by M/s. Fuzzy Weighing & Automation, # 47, the Main Road, 3rd Block, 4th Stage, Basweswara Nagar, Bangalore-560 079, Karnataka and which is assigned the approval mark IND/09/06/102;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge type) with a maximum capacity of 40-tonne and minimum capacity of 200kg. The verification scale interval (e) is 10kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5kg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

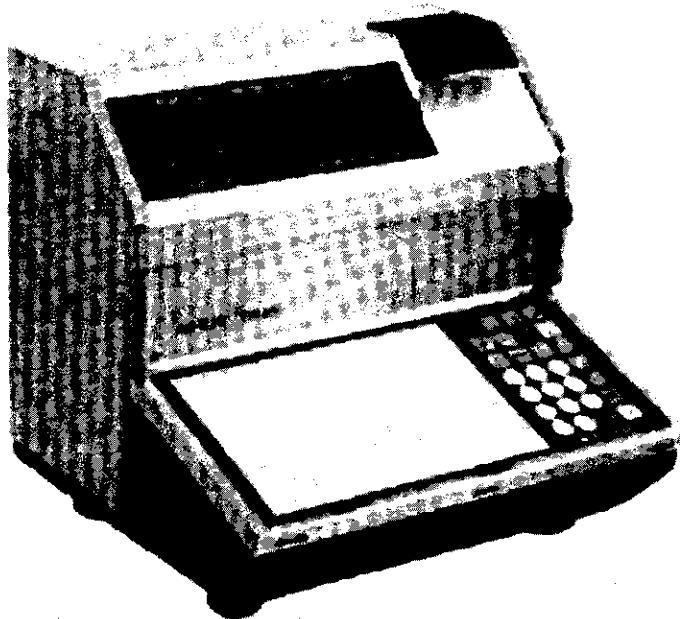
[F. No. WM-21(351)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 4 मई, 2006

का. आ. 1931.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा जारी अनुमोदित प्रमाण-पत्र के साथ उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स टोलीडो इण्डिया प्रा. लि., अमर हिल्स, साकी विहार रोड, पोब्ल, मुंबई-400072 द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “8442 एफ 614044” शृंखला के सादृश सूचन सहित, अस्वचालित, तोलन उपकरण (टेबल टॉप प्रकार-ब्लैक इंगल) के मॉडल का, जिसके ब्रांड का नाम “मेटलर टेलीडो” है (जिसे इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/05/656 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का लोड सैल आधारित अस्वचालित (टेबल टॉप प्रकार- ब्लैक इंगल) तोलन उपकरण है। इसकी अधिकतम क्षमता 6 कि.ग्रा. और न्यूनतम क्षमता 20 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 1 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टॉपिंग एलेट के मुद्रांकन के अतिरिक्त मरीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक “ई” मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 के, 2×10^4 के या 5×10^4 के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21(118)/2005]

पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th May, 2006

S.O. 1931.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table top Type-Black Eagle) weighing instruments with digital indication of "8442-F-614044" series of medium accuracy (accuracy class-III) and with brand name "METTLER TOLEDO" (herein referred to as the said model), manufactured by M/s. Mettler-Toledo India Private Limited, Amar Hills, Saki Vihar Road, Powai, Mumbai-400 072 and which is assigned the approval mark IND/09/05/656;

The said model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Tabletop Type-Black Eagle) with a maximum capacity of 6 kg and minimum capacity of 20g. The verification scale interval (e) is 1g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2g or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the said approved model has been manufactured.

[F. No. WM-21(118)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 4 मई, 2006

का. आ. 1932.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपर्युक्तों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मैटलर टोलेडो इण्डिया प्रा. लि., अमर हिल्स, साकी विहार रोड, पोबाई, मुंबई-400072 द्वारा विनिर्मित मध्य वर्ग (यथार्थता वर्ग-III) वाले "8442-3610 एच-044" शृंखला के दोहरी रेंज वाले अंकक सूचना सहित अस्वचालित, तोलन उपकरण (हैंगिंग स्केल प्रकार) के मॉडल का, जिसके ब्रांड का नाम "मैटलर टोलेडो" है (जिसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/05/657 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है;

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत गेज प्रकार का भार सेल आधारित दोहरी रेंज वाला एक तोलन उपकरण है। इसकी अधिकतम क्षमता 15 कि.ग्रा. है और न्यूनतम क्षमता 40 ग्रा. है। सत्यापन मापमान अन्तराल (ई) 2 ग्राम से 6 कि.ग्रा. तक तथा 6 कि.ग्रा. से 5 ग्राम अधिक और 15 कि.ग्रा. तक है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्तर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्याकर्ता धारा विद्युत प्रदाय पर कार्य करता है।



स्टार्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^4 , 2×10^4 या 5×10^4 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21(118)/2005]

पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th May, 2006

S.O. 1932.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating, non-automatic (Hanging Scale) weighing instruments Dual Range with digital indication of "8442-3610 H-044" series of medium accuracy (accuracy class-III) and with brand name "METTLER TOLEDO" (herein referred to as the said model), manufactured by M/s. Mettler-Toledo India Private Limited, Amar Hills, Saki Vihar Road, Powai, Mumbai-400 072 and which is assigned the approval mark IND/09/05/657;

The said model (see the figure given below) is a strain gauge type load cell based weighing instrument Dual Range with a maximum capacity of 15kg and minimum capacity of 40g. The verification scale interval (e) is 2g upto 6kg and 5g above 6kg and up to 15kg. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar series with maximum capacity up to 50 kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2g or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

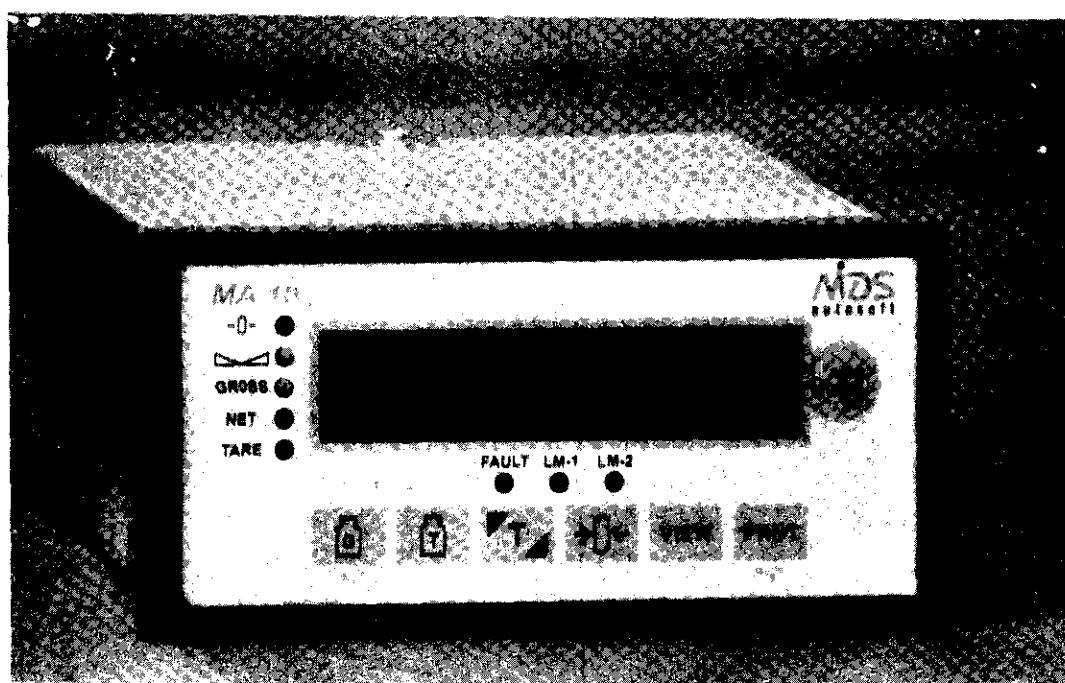
[F. No. WM-21(118)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 4 मई, 2006

का. आ. 1933.- केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मिडास ऑटोसोफ्ट इंजीनियर प्राइवेट लिमिटेड, नं. 86/1 ए, एफ नं. 13, दृष्टि, अजादबाड़ी, कोथरुड, पुणे-411 038 महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-II) वाले “एम ए 10/ एक्स एक्स” शृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (टैक वेइंग प्रकार) के मॉडल का, जिसके ब्रांड का नाम “एमडीएस ऑटोसोफ्ट” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/06/213 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल नियत गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टैक वेइंग प्रकार का) है। इसकी अधिकतम क्षमता 30,000 कि.ग्रा. अ. न्यूनतम क्षमता 200 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 10 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टार्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रयोग पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान (एन) अन्तराल सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या अणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21(264)/2005]

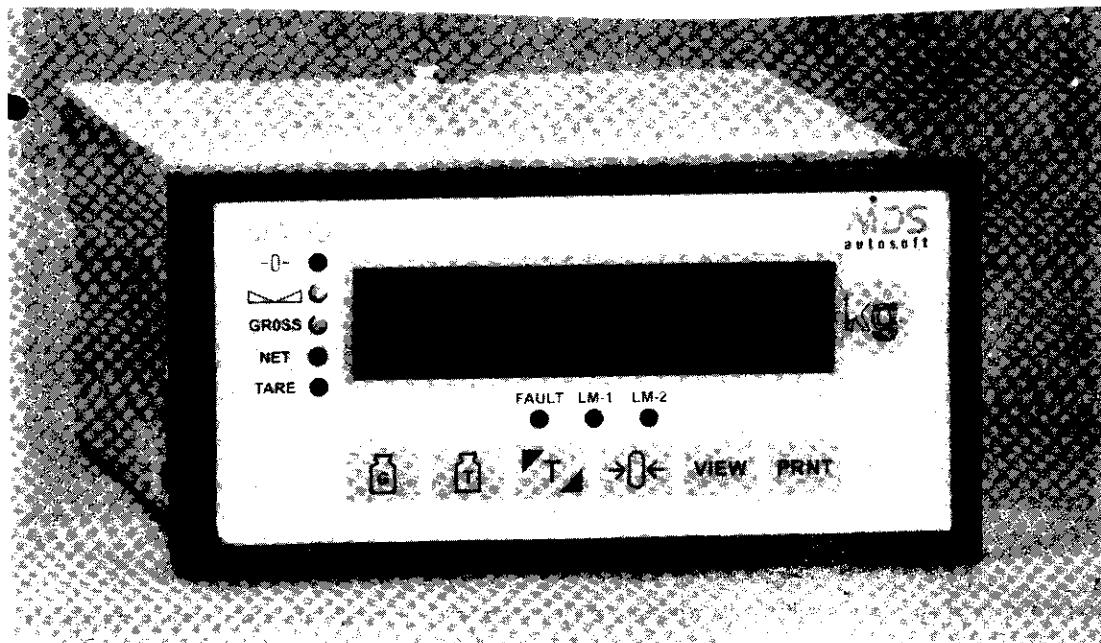
पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th May, 2006

S.O. 1933.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instruments (Tank Weighing type) with digital indication of "MA 10/xx" series of medium accuracy (Accuracy class-III) and with brand name "MDS Autosoft" (hereinafter referred to as the said model), manufactured by M/s. Midas Autosoft Engineers Pvt. Ltd, No. 86/1A, F. No. 13 'Drusti', Azadwadi, Kothrud, Pune-411 038, Maharashtra and which is assigned the approval mark IND/09/2006/213;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Tank Weighing type) with a maximum capacity of 30,000 kg and minimum capacity of 200 kg. The verification scale interval (e) is 10 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternate current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 kg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

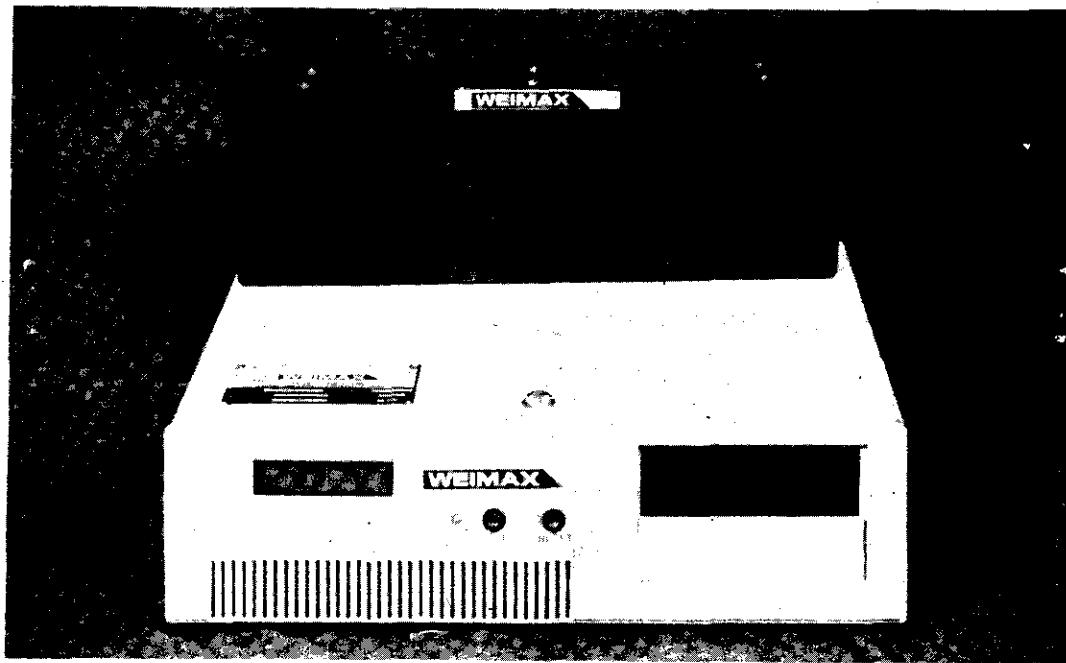
[F. No. WM-21(264)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 4 मई, 2006

का. आ. 1934.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वेमैक्स इंडस्ट्रीज, 1-4/1, चैंगीचेरला, पोस्ट उप्पल, मण्डल घाटकेसर, आर आर जिला-500 039 द्वारा विनिर्मित 'डब्ल्यू एम आई-ई डब्ल्यू बी' शृंखला के एनालाग सूचन सहित स्वतः सूचक मध्य बर्ग/(वर्ग-III) अस्वचालित, तोलन उपकरण मल्टी लोड सेल प्रकार के मॉडल का, जिसके ब्रांड का नाम "वेमैक्स" है (जिसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/06/215 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल मल्टी लोड सेल आधारित तोलन उपकरण (वे ब्रिज प्रकार का है)। इसकी अधिकतम क्षमता 60 टन और न्यूनतम क्षमता 400 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 20 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा।

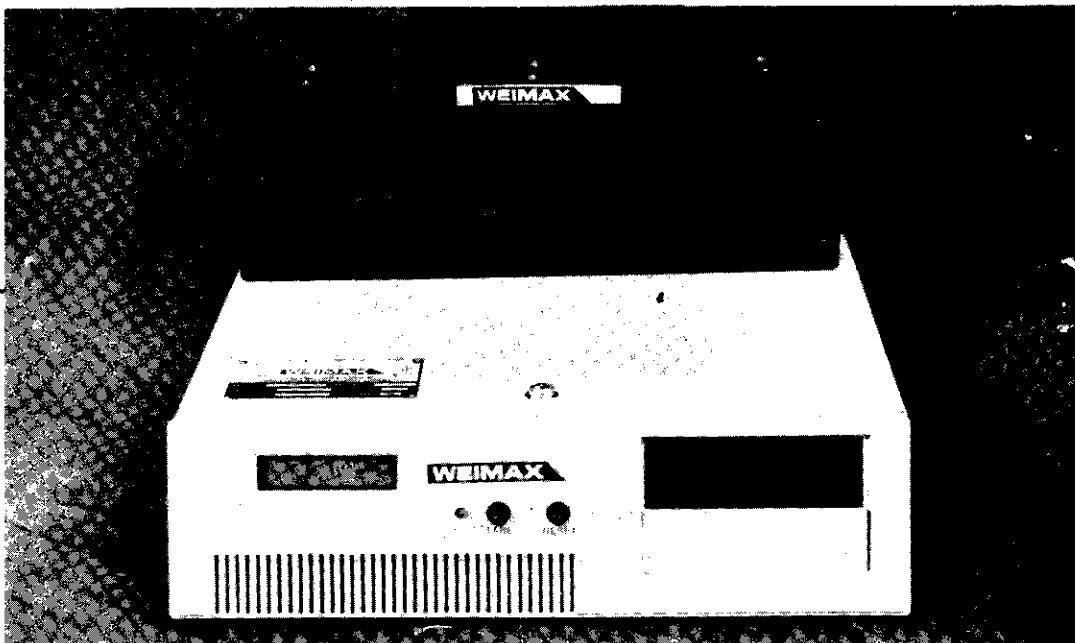
और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान (एन) अन्तराल सहित 5 टन से अधिक और 150 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूणिक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21(334)/2005]
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th May, 2006

S.O. 1934.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating, non-automatic (multi load cell type electronic weighbridge) weighing instrument with digital indication of "WMI-EWB" series of medium accuracy (accuracy class-III) and with brand name "WEIMAX" (hereinafter referred to as the said model), manufactured by M/s. Weimax Industries, # 1-4/1, Chengicherla, Post : Uppal, Mandal : Ghatkesar, R.R. District-500 039 and which is assigned the approval mark IND/09/2006/215;



The said model is multi load cells based weigh bridge type weighing instrument with a maximum capacity of 60 tonne and minimum capacity of 400 kg. The verification scale interval (e) is 20 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

In addition to sealing stamping plate, sealing shall be done to prevent the opening machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity above 5 tonne and up to 150 tonne with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 kg or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

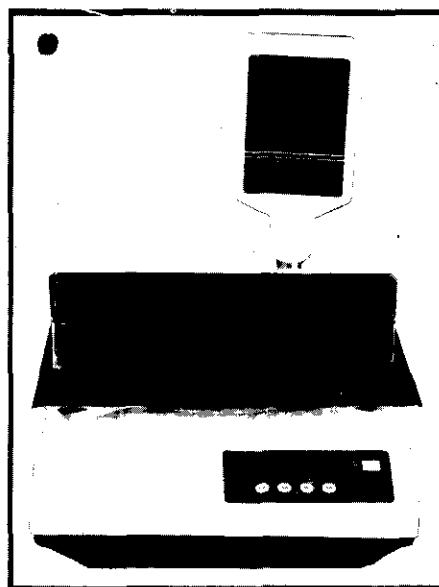
[F. No. WM-21(334)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 4 मई, 2006

का. आ. 1935.- केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स पी के एन्टरप्राइसेज, नया बास, सुजानगढ़-331507, जिला चुरु, राजस्थान द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले 'एम ई सी टी शृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एम ई सी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2005/420 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गैज प्रकार का लोड सेल आधारित अस्वचालित (टेबल टोप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 22 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टार्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्यकारी सिद्धांत आदि के संबंध में बदला नहीं जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक "ई" मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अन्तराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^4 , 2×10^4 या 5×10^4 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

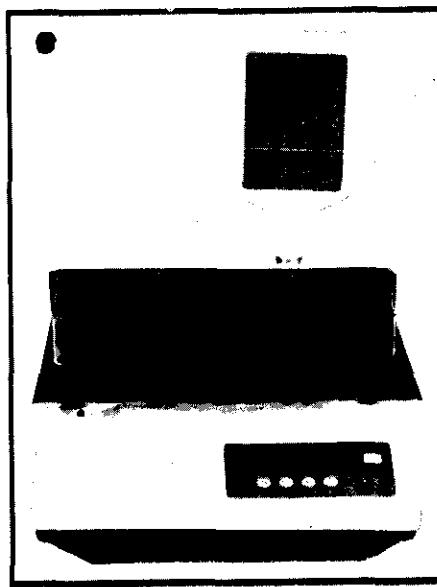
[फा. सं. डब्ल्यू एम-21(102)/2005]

पी.ए. कृष्णाभूति, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th May, 2006

S.O. 1935.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of high accuracy (Accuracy class-II) of series "MECT" and with brand name "MEC" (hereinafter referred to as the said Model), manufactured by M/s. P.K. Enterprises, Naya Bass, Sujangarh-331 507, District-Churu, Rajasthan and which is assigned the approval mark IND/09/2005/420;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 22 kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

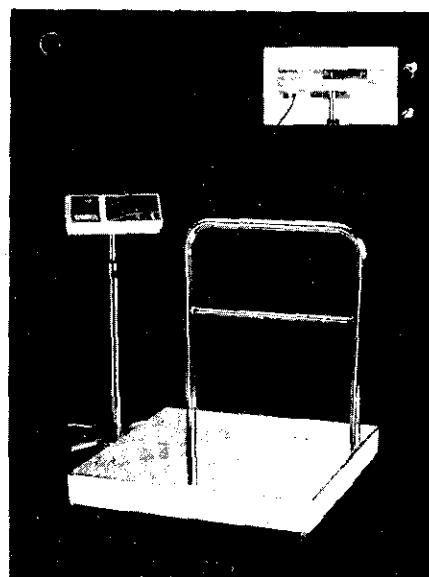
[F. No. WM-21(102)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 4 मई, 2006

का. आ. 1936.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स पी के एस्टरप्राइसिज, नया बास, सुजानगढ़-331507, जिला चुरु, राजस्थान द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “एम ई सी पी-500” शृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “एम ई सी” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2005/421 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गैज प्रकार का लोड सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 500 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टॉपिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट रूपरेखा, कार्यकारी सिद्धांत आदि के संबंध में बदला नहीं जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई”, मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. से अधिक और 1000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^k , 2×10^k या 5×10^k के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

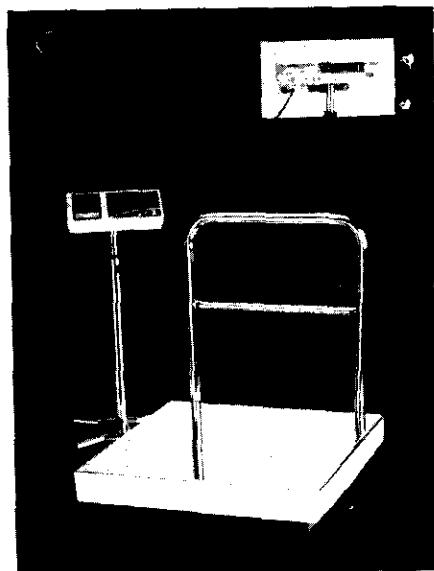
[फा. सं. डब्ल्यू एम-21(102)/2005]

पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th May, 2006

S.O. 1936.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of "MECP-500" series of medium accuracy (accuracy class-III) and with brand name "MEC" (hereinafter referred to as the said model), manufactured by M/s. P.K. Enterprises, Naya Bass, Sujangarh-331 507, District-Churu, Rajasthan and which is assigned the approval mark IND/09/2005/421;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 500 kg and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make accuracy and performance of same series with maximum capacity above 50kg and upto 1000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(102)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

भारतीय मानक व्यूरो

नई दिल्ली, 4 मई, 2006

का. आ. 1937.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित स्थापित तिथि भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	
(1)	(2)	(3)	(4)
1.	15617 : 2005, विद्युत संचरण और वितरण प्रणालियों के लिए पॉवर इलेक्ट्रॉनिक्स-स्थैतिक वार कम्पैनसेटरों के लिए थाइरिस्टर वाल्वों का परीक्षण	—	31 दिसम्बर, 2005

इस भारतीय मानक की प्रतियां भारतीय मानक व्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पुणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[सं. : ईटी 40/टी-6]

पी.के. मुखर्जी, वैज्ञा.-एफ एवं प्रमुख (विद्युत तकनीकी)

BUREAU OF INDIAN STANDARDS

New Delhi, the 4th May, 2006

S. O. 1937.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued :

SCHEDULE

Sl. No. and Year of the Indian Standards No.	No. and Year of the Indian Standards, if any, Superseded by the New Indian Standards	Date of Established	
(1)	(2)	(3)	(4)
1.	IS 15617 : 2005, Power electronics for electrical transmission and distribution system—testing of thyristor valves for static var compensators	—	31 December, 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. : ET 40/T-6]

P. K. MUKHERJEE, Sc. F & Head (Electro-Technical)

नई दिल्ली, 4 मई, 2006

का. आ. 1938.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित स्थापित तिथि भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	
(1)	(2)	(3)	(4)
1.	14902 (भाग 3) : 2005, उच्च-वोल्टता के दिष्ट धारा (एच. वी. डी. सी.) प्रणाली की कार्यकारिता भाग 3 गत्यात्मक स्थितियां	—	31 दिसम्बर, 2005

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[सं. : ईटी 40/टी-8]

पी.के. मुखर्जी, वैज्ञा.-एफ एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 4th May, 2006

S. O. 1938.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued :—

SCHEDULE

Sl. No. & Year of the Indian Standards No.	Sl. No. & Year of the Indian Standards No. & Year of the Indian Standards Standards, if any, Superseded by the New Indian Standards	Date of Established	
(1)	(2)	(3)	(4)
1 IS 14902 (Part 3) : 2005, Performance of high-voltage direct current (HVDC) systems part 3 Dynamic conditions	—	—	31 December, 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. : ET 40/T-8]

P. K. MUKHERJEE, Sc. F & Head (Electro-Technical)

नई दिल्ली, 4 मई, 2006

का. आ. 1939.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो, गया है :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित स्थापित तिथि भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	
(1)	(2)	(3)	(4)
1. 15597 : 2005, उच्च-वोल्टता के दिव्य धारा कनवर्टर स्टेशनों (एच.वी.डी.सी.) में पॉवर की क्षति ज्ञात करना	—	—	31 दिसम्बर, 2005

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[सं. : ईटी 40/टी-5]

पी. के. मुखर्जी, वैज्ञा.-एफ एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 4th May, 2006

S. O. 1939.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued :—

SCHEDULE

Sl. No.	No. & Year of the Indian Standards	No. & Year of the Indian Standards, if any, Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1	IS 15597 : 2005, Determination of power losses in high-voltage direct current (HVDC) converter stations	—	31 December, 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhawan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. : ET 40/T-5]

P. K. MUKHERJEE, Sc. F & Head (Electro-Technical)

नई दिल्ली, 4 मई, 2006

का. आ. 1940.—भारतीय मानक व्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित स्थापित तिथि भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	
(1)	(2)	(3)	(4)
1.	2165 (भाग 5) : 2005, विधुतरोधन समन्वय भाग 5 उच्च-वोल्टता के दिष्ट धारा (एच.वी.डी.सी.) कनवर्टर स्टेशनों की प्रक्रियाएं	—	31 दिसम्बर, 2005

इस भारतीय मानक की प्रतियाँ भारतीय मानक व्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[सं. : ईटी 40/टी-7]

पी. के. मुखर्जी, वैज्ञानिक एवं प्रमुख (विद्युत-तकनीकी)

New Delhi, the 4th May, 2006

S. O. 1940.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards	No. & year of the Indian Standards, if any, Superseded by the New Indian Standards	Date of Establishment
(1)	(2)	(3)	(4)
1	IS 2165 (Part 5) : 2005, Insulation co-ordination Part 5 Procedures for high-voltage direct current (HVDC) converter stations	—	31 December, 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. : ET 40/T-7]

P. K. MUKHERJEE, Sc. F & Head (Electro-Technical)

नई दिल्ली, 4 मई, 2006

का. आ. 1941.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अंतिक्रमित भारतीय मानक (कों) अथवा मानकों यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 11426 (भाग-1) : 2006, परीक्षण प्रयोजनों के लिए प्रत्यावर्ती करंट परिशुद्ध मीटर : भाग-1 विद्युत-यांत्रिक मीटरों की अपेक्षाएं (पहला पुनरीक्षण)	—	30 अप्रैल, 2006

इस भारतीय मानक की प्रतियां भारतीय मानक व्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चंडीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[सं. : ईटी 13/टी-29]

पी. के. मुखर्जी, वैज्ञा. एफ एवं प्रमुख (विद्युत-तकनीकी)

New Delhi, the 4th May, 2006

S. O. 1941.—In pursuance of clause (b) of sub-rule (1) of Rules (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendment to the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards	No. & year of the Indian Standards, if any, superseded by the New Indian Standards	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS 11426 (Part-1) : 2006, Alternating Current Precision Electricity Meters for Testing Purposes (First Revision)	—	30 April, 2006

Copies of this Amendment are available with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. : ET 13/T-29]

P. K. MUKHERJEE, Sc. F & Head (Electro-Technical)

नई दिल्ली, 9 मई, 2006

का. आ. 1942.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित स्थापित तिथि भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	
(1)	(2)	(3)	(4)
1.	15666 (भाग-2) : 2006, गैस टर्बाइन-खरोद भाग-2 : मानक संदर्भ स्थितियां और रेटिंग।	—	30 अप्रैल, 2006

इस भारतीय मानक की प्रतियां भारतीय मानक व्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[सं. : ईटी 15/टी-79]

पी.के. मुखर्जी, वैज्ञा. एफ एवं प्रमुख (विद्युत-तकनीकी)

New Delhi, the 9th May, 2006

S. O. 1942.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards	No. & year of the Indian Standards, if any, superseded by the New Indian Standards	Date of Established
(1)	(2)	(3)	(4)
1.	IS 15666 (Part-2) : 2006, Gas Turbines—Procurement Part-2 : Standard reference conditions and ratings.	—	30 April, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-1 10002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. : ET 15/T-79]

P. K. MUKHERJEE, Sc. F & Head (Electro-Technical)

नई दिल्ली, 09 मई, 2006

का.आ. 1943.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है:—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	15666 (भाग-1): 2006, गैस टरबाइन-खरीद भाग-1 सामान्य परिचय एवं परिभाषा	—	30 अप्रैल, 2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक व्यूरो, मानक भवन 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चंडीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूर्णे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[सं.: ईटी 15/टी-78]

पी.के. मुखर्जी, वैज्ञा. एफ एवं प्रमुख (विद्युत-तकनीकी)

New Delhi, the 9th May, 2006

S.O. 1943.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued:

SCHEDULE

Sl. No.	No. & Year of the Indian Standards	No. & Year of the Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS 15666 (Part-1): 2006, Gas turbines-Procurement Part-1 General introduction and definitions	—	30 April, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. ET 15/T-78]

P. K. MUKHERJEE, Sc. F & Head (Electro-Technical)

नई दिल्ली, 9 मई, 2006

का.आ. 1944.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है:—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	15666 (भाग-3): 2006, गैस टरबाइन-खरीद भाग-3 डिजाइन की अपेक्षाएं	—	30 अप्रैल, 2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. : ईटी 15/टी-80]

पी. के. मुखर्जी, वैज्ञ. एफ एवं प्रमुख (विद्युत-तकनीकी)

New Delhi, the 9th May, 2006

S.O. 1944.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued:

SCHEDULE

Sl. No.	No. & Year of the Indian Standards	No. & Year of the Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS 15666 (Part 3): 2006, Gas turbines-Procurement Part 3 Design requirements	—	30th April, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. ET 15/T-80]

P.K. MUKHERJEE, Sc. F & Head (Electro-Technical)

नई दिल्ली, 9 मई, 2006

का.आ. 1945.—भारतीय मानक ब्यूरो नियम 1987 के नियम, 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है:—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हों, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	15666 (भाग 4): 2006, गैस टरबाइन- खरीद भाग 4 ईधन और पर्यावरण	—	30 अप्रैल, 2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. : ईटी 15/टी-81]

पी.के. मुखर्जी, वैज्ञ. एफ एवं प्रमुख (विद्युत-तकनीकी)

New Delhi, the 9th May, 2006

S.O. 1945.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued:

SCHEDULE

Sl. No.	No. & Year of the Indian Standards	No. & Year of the Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS 15666 (Part 4): 2006, Gas turbines-Procurement Part 4 Fuels and environment	—	30th April, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. : ET 15/T-81]

P.K. MUKHERJEE, Sc. F & Head (Electro-Technical)

नई दिल्ली, 9 मई, 2006

का.आ. 1946.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है:—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हों, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	15666 (भाग 5): 2006, गैस टरबाइन- खरीद भाग 5: पेट्रोलियम एवं प्राकृतिक गैस उद्योग के लिए अनुप्रयोग	—	30 अप्रैल, 2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक व्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[सं. : ईटी 15/टी-82]

पी.के. मुखर्जी, वैज्ञा. एफ एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 9th May, 2006

S.O. 1946.—In pursuance of clause (b) of sub-rule (1) of Rules 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued:

SCHEDULE

Sl. No.	No. & Year of the Indian Standards	No. & Year of the Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS 15666 (Part 5) : 2006, Gas turbines-Procurement Part 5 Applications for petroleum and natural gas industries	—	30th April, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. : ET 15/T-82]

P. K. MUKHERJEE, Sc. F & Head (Electro-Technical)

नई दिल्ली, 9 मई, 2006

का.आ. 1947.—भारतीय मानक व्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद द्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है:—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	15666 (भाग 7) : 2006, गैस टरबाइन- खरीद भाग 7 : तकनीकी जानकारी	—	30 अप्रैल, 2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक व्यूरो, मानक भवन 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूर्णे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[सं. ईटी 15/टी-83]

पी.के. मुखर्जी, वैज्ञा. एफ एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 9th May, 2006

S.O. 1947.—In pursuance of clause (b) of sub-rule (1) of Rules Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued:

SCHEDULE

Sl. No.	No. & Year of the Indian Standards	No. & Year of the Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS 15666 (Part 7) : 2006, Gas turbines-Procurement Part 7 Technical information	—	30th April, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. ET 15/T-83]

P. K. MUKHERJEE, Sc. F & Head (Electro-Technical)

नई दिल्ली, 9 मई, 2006

का.आ. 1948.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है:—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	15666 (भाग 8): 2006, गैस टर्बाइन- खरीद भाग 8: निरीक्षण, परीक्षण, संस्थापन और कमीशनिंग	—	30 अप्रैल, 2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक व्यूरो, मानक भवन 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[सं. ईटी 15/टी-84]

पी. के. मुखर्जी, वैज्ञा. एफ एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 9th May, 2006

S.O. 1948.—In pursuance of clause (b) of sub-rule (1) of Rules (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued:

SCHEDEULE

Sl. No.	No. & Year of the Indian Standards	No. & Year of the Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS 15666 (Part 8): 2006, Gas turbines-Procurement Part 8 Inspection, testing, installation and commissioning	—	30th April, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. ET 15/T-84]

P. K. MUKHERJEE, Sc. F & Head (Electro-Technical)

नई दिल्ली, 9 मई, 2006

का.आ. 1949.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है:—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	15666 (भाग 9): 2006, गैस टरबाइन-खरीद भाग 9: क्षम्बासनीयता, उपलब्धता, रख-रखाव और सुरक्षा	—	30 अप्रैल, 2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक व्यूरो, मानक भवन 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चंडीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[सं. ईटी 15/टी-85]

पी.के. मुखर्जी, वैज्ञा. एफ एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 9th May, 2006

S.O. 1948.—In pursuance of clause (b) of sub-rule (1) of Rules (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued:

SCHEDULE

Sl. No.	No. & Year of the Indian Standards	No. & Year of the Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS 15666 (Part 9): 2006, Gas turbines-Procurement Part 9 Reliability, availability, maintainability and safety		30th April, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. ET 15/T-85]

P. K. MUKHERJEE, Sc. F & Head (Electro-Technical)

नई दिल्ली, 9 मई, 2006

का.आ. 1950.—भारतीय मानक व्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है:—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	15664 : 2006, गैस टरबाइन-स्वीकार्यता परीक्षण	—	30 अप्रैल, 2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[सं. ईटी 15/टी-86]

पी. के. मुखर्जी, वैज्ञा. एफ एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 9th May, 2006

S.O. 1950.—In pursuance of clause (b) of sub-rule (1) of Rules (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued:

SCHEDULE

Sl. No.	No. & Year of the Indian Standards	No. & Year of the Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS 15664 : 2006, Gas turbines-Acceptance tests	—	30th April, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. ET 15/T-86]

P. K. MUKHERJEE, Sc. F & Head (Electro-Technical)

नई दिल्ली, 9 मई, 2006

का.आ. 1951.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है:—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	15665 : 2006, गैस टरबाइन-पारिभाषिक शब्दावली	—	30 अप्रैल, 2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूर्णे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[सं. ईटी 15/टी-87]

पी.के. मुखर्जी, वैज्ञा. एफ एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 9th May, 2006

S.O. 1951.—In pursuance of clause (b) of sub-rule (1) of Rules 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued:—

SCHEDULE

Sl. No.	No. & Year of the Indian Standards	No. & Year of the Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS 15665 : 2006, Gas turbines-Vocabulary	—	30th April, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. ET 15/T-87]

P. K. MUKHERJEE, Sc. F & Head (Electro-Technical)

नई दिल्ली, 9 मई, 2006

का.आ. 1952.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के छंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है:—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	15667 : 2006, गैस टरबाइन-गैस टरबाइन संस्थानों के लिए आँकड़ा अधिग्रहण एवं प्रकृति मॉनिटरिंग पद्धति अपेक्षाएँ हेतु	—	30 अप्रैल, 2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूर्णे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[सं. ईटी 15/टी-88]

पी. के. मुखर्जी, वैज्ञा. एफ एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 9th May, 2006

S.O. 1952.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards	No. & Year of the Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS 15667 : 2006, Gas turbines—Data acquisition and trend monitoring system requirements for gas turbine installations	—	30 April, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. ET 15/T-88]

P. K. MUKHERJEE, Sc. F & Head (Electro-Technical)

नई दिल्ली, 10 मई, 2006

का.आ. 1953.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं:—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हों, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 3351 : 2006/आई एस 3351 : 1991 ओ 4020 : 2001 सड़क वाहन— डीजल इंजन के लिए ईंधन फिल्टर— परीक्षण पद्धतियां (दूसरा पुनरीक्षण)	आई एस 3351 : 1991 —	मार्च, 2006
2.	आई एस 15640 : 2006/आई एस 15794 : 2001 द्वि-दिशात्मक एवं बहु-दिशात्मक कांटा-उत्थापक ट्रक—स्थायित्व परीक्षण	—	मार्च, 2006

इस भारतीय मानकों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[सं. टीईडी/जी-16]

पी. सी. जोशी, निदेशक एवं प्रमुख (टीईडी)

New Delhi, the 10th May, 2006

S.O. 1953.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No., year and title of the Indian Standards Established	No. and year of the Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 3351 : 2006/ISO 4020 : 2001 Road vehicles—Fuel filters for diesel engines—Test methods (Second revision)	IS 3351 : 1991	March, 2006
2.	IS 15640 : 2006/ISO 15794 : 2001 Bi-directional and multi-directional fork-lift trucks— Stability tests	—	March, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. : TED/G-16]

P. C. JOSHI, Director & Head (TED)

नई दिल्ली, 10 मई, 2006

का.आ. 1954.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हों, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 6938 : 2005 “द्रवचालित दरवाजों के लिए रस्सा ड्रम और चेन शृंखला दाइस्टों के डिजाइन—रीति सहिता (दूसरा पुनरीक्षण) ”	आई एस 6938 : 1989 “द्रवचालित दरवाजों के लिए रस्सा ड्रम और चेन शृंखला दाइस्टों के डिजाइन—रीति सहिता (पहला पुनरीक्षण) ”।	30-11-2005
2.	आई एस 9349 : 2006 मध्यम और उच्च शीर्ष के स्लाइड गेटों के ढांचागत डिजाइनों की अनुशंसाएं (दूसरा पुनरीक्षण)	आई एस 9349 : 1986 मध्यम और उच्च शीर्ष के स्लाइड गेटों के ढांचागत डिजाइनों की अनुशंसाएं (पहला पुनरीक्षण)	31-01-2006

इस भारतीय मानकों की प्रतियाँ भारतीय मानक व्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूर्णे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[सं. : डब्ल्यू आर डी 12/टी-4 एवं टी-12]

अनिलेश एम. डेविड, निदेशक (जल संसाधन)

New Delhi, the 10th May, 2006

S.O. 1954.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No., Title and year of the Indian Standards Established	No. and Year of the Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 6938 : 2005 Design of Rope Drum and Chain Hoists for Hydraulic Gates—Code of Practice (Second Revision)	IS 6938 : 1989 Design of Rope Drum and Chain Hoists for Hydraulic Gates—Code of Practice (First Revision)	30-11-2005
2.	IS 9349 : 2006 Recommendations for Structural Design of Medium and High Head Slide Gates (Second Revision)	IS 9349 : 1986 Recommendations for Structural Design of Medium and High Head Slide Gates (First Revision)	31-1-2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. : WRD12/T-4 & T-12]

ANILESH M. DAVID, Director (WRD)

नई दिल्ली, 10 मई, 2006

का.आ. 1955.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 15646 (भाग 1) : 2006 संबृत नलियों में मुक्त सतह प्रवाह का मापन भाग 1 पद्धतियाँ	—	31-3-2006
2.	आई एस 15646 (भाग 2) : 2006 संबृत नलियों में मुक्त सतह प्रवाह का मापन भाग 2 उपस्कर	—	31-3-2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[सं. : डब्ल्यू.आर.डी.1/टी-68 एवं टी-69]

अनिलेश एम. डेविड, निदेशक (जल संसाधन)

New Delhi, the 10th May, 2006

S.O. 1955.—In pursuance of clause (b) of sub-rule (1) Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No., Title & Year of the Indian Standards Established	No. & Year of the Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 15646 (Part 1) : 2006 Measurement of Free Surface Flow in Closed Conduits Part 1 Methods	—	31-3-06
2.	IS 15646 (Part 2) : 2006 Measurement of Free Surface Flow in Closed Conduits Part 2 Equipment	—	31-3-06

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. : WRD 1/T-68, T-69]

ANILESH M. DAVID, Director (WRD)

नई दिल्ली, 11 मई, 2006

का.आ. 1956.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक(कों) में संशोधन किया गया / किये गये हैं:-

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	संशोधन की संख्या और तिथि	संशोध लागू होने की तिथि
(1)	(2)	(3)	(4)
1	8144 : 1997 – बहुप्रयोजी शुष्क बैटरियाँ विशिष्ट (पहला पुनरीक्षण)	01 फरवरी, 2006	9 मई, 2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक व्यूरो, मानक भवन 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूर्णे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[सं. : ईटी 10/टी-20]

पी. के. मुखर्जी, वैज्ञा.-एफ एवं प्रमुख (विद्युत तकनीकी)

New Delhi, 11th May, 2006

S.O. 1956.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendment to the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued:

SCHEDULE

Sl. No.	No. & Year of the Indian Standards	No. & year of the Amendment	Date from which the Amendment shall have effect
(1)	(2)	(3)	(4)
1	IS 8144 : 1997, Multipurpose dry batteries - Specification (First Revision)	01, February 2006	9 May, 2006

Copy of this Amendment is available with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. : ET 10/T-20]

P. K. MUKHERJEE, Sc. F & Head (Electro-Technical)

नई दिल्ली, 12 मई, 2006

का.आ. 1957.—भारतीय मानक व्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (को) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	आई एस 264 : 2005 नाइट्रिक अम्ल- विशिष्टि (तीसरा पुनरीक्षण)	--	31 मार्च, 2005

इस भारतीय मानक की प्रतियाँ भारतीय मानक व्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. : सी एच डी 1/आई एस 264]

डॉ. यू. सी. श्रीवास्तव, वैज्ञानिक-ई, निदेशक एवं प्रमुख (रसायन)

New Delhi, 12th May, 2006

S.O. 1957.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :—

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	No. & Year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS 264 : 2005, Nitric Acid - Specification (Third Revision)	--	31 March, 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. : CHD 1/IS-264]

DR. U. C. SRIVASTAVA, Scientist-E, Director & Head (Chemical)

नई दिल्ली, 12 मई, 2006

का.आ. 1958.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 5182 (भाग 23 : 2006 वायु प्रदूषण मापन की पद्धतियाँ भाग 23 श्वसनीय निलंबित विविक्त पदार्थ (पी एम ¹⁰), चक्रवाती प्रवाह तकनीक	—	31 मार्च, 2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक व्यूरो, मानक भवन 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तपुरम में विक्री हेतु उपलब्ध हैं।

[सं. : सीएचडी 32/आई एस 5182 (भाग 23)]

डॉ. यू. सी. श्रीवास्तव, वैज्ञानिक-ई, निदेशक एवं प्रमुख (रसायन)

New Delhi, 12th May, 2006

S.O. 1958.—In pursuance of clause (b) of sub-rule (1) of Rules (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :—

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	No. & Year of the Indian Standards, if any, superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 5182 (Part 23) : 2006, Methods— for measurement of air pollution Part 23 respirable Suspended Particulate matter (PM ₁₀), cyclonic Flow technique	—	31 March, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. : CHD 32/IS-5182 (Part 23)]

DR. U. C. SRIVASTAVA, Scientist-E, Director & Head (Chemical)

नई दिल्ली, 12 मई, 2006

का.आ. 1959.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक (कों) में संशोधन किया गया/किये गये हैं :—

अनुसूची

क्रम संख्या	संशोधन भारतीय मानक (कों) की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 3025 (भाग 23) : 1986 जल और अपशिष्ट जल के नमूने लेना और परीक्षण (भौतिक एवं रसायनिक) भाग 23 क्षारीयता (प्रथम पुनरीक्षण)	संशोधन संख्या नं. 2, अप्रैल 2006	30 अप्रैल, 2006

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूर्णे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[सं. : सीएचडी 32/आई एस 3025(भाग 23)]

डॉ. यू. सी. श्रीवास्तव, वैज्ञानिक-ई, निदेशक एवं प्रमुख (रसायन)

New Delhi, 12th May, 2006

S.O. 1959.—In pursuance of clause (b) of sub-rule (1) of Rules (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued :—

SCHEDULE

Sl. No.	No. & Year of the Indian Standards	No. & Year of the Amendment	Date from which the Amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 3025(Part 23) : 1986 Methods of Sampling and Test (Physical and Chemical) for water and waste water part 23 alkalinity (First Revision)	Amendment No. 2, April, 2006	30 April, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. : CHD 32/IS-3025 (Part 23)]

DR. U. C. SRIVASTAVA, Scientist-E, Director & Head (Chemical)

नई दिल्ली, 12 मई, 2006

का.आ. 1960.—भारतीय मानक व्यूरो नियम 1987 के नियम, 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद् द्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक (कों) में संशोधन किया गया/किये गये हैं :—

अनुसूची

क्रम संख्या	संशोधन भारतीय मानक(कों) की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 12766 : 1997 कागज, कम्प्युटर - विशिष्ट (प्रथम पुनरीक्षण)	संशोधन संख्या 1, मार्च 2006	31 मई, 2006

इस संशोधन की प्रतियाँ भारतीय मानक व्यूरो, मानक भवन 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूर्णे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[सं. : सीएचडी 15/आई एस 12766]

डॉ. यू.सी. श्रीवास्तव, वैज्ञानिक-ई, निदेशक एवं प्रमुख (रसायन)

New Delhi, 12th May, 2006

S.O. 1960.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the amendments to the Indian Standards, particulars of which given in the Schedule hereto annexed has been issued :—

SCHEDULE

Sl. No.	No. and Title of the Indian Standards	No. and year of the Amendment	Date from which the Amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 12766 : 1997 Paper, Computer - Specification (First Revision)	Amendment No. 1, March, 2006	31 May, 2006

Copy to the amendment is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: CHD 15/T 12766]

DR. U. C. SRIVASTAVA, Scientist-E, Director & Head (Chemical)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 12 मई, 2006

का. आं. 1961 — केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्यप्रदेश राज्य में मांगल्या (इंदौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए भारत पेट्रोलियम कार्पोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाई जानी चाहिए; और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए; अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है; कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री दीपक नंदी, सक्षम प्राधिकारी, मुम्बई - मांगल्या पाइपलाइन विस्तार परियोजना, भारत पेट्रोलियम कार्पोरेशन लिमिटेड, 1-सी, बाल मंदिर कॉलोनी, होटल पिंक पैलेस के पास सवाई माधोपुर-322001 (राजस्थान) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : गंगापुर

जिला : सवाई माधोपुर

राज्य : राजस्थान

क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
1.	चूली	1190 565/2190 1182	0.0303 0.1368 0.0144
2.	टोकसी	1128 1080	0.0072 0.0216
3.	वजीरपुर	611	0.2448
4.	सलेमपुर	641	0.0040
5.	खरेड़ा	351	0.2592
6.	खानपुर बडोदा	527	0.0864

[फा. सं. आर-31015/93/2004-ओ.आर.-II]

ए. गोस्वामी, अकर सचिव

Ministry of Petroleum and Natural Gas

New Delhi, the 12th May, 2006

S. O. 1961.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Manglya (Indore) terminal in the State of Madhya Pradesh, an extension pipeline to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi should be laid by Bharat Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule, may, within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri Deepak Nandi, Competent Authority, Mumbai-Manglya Pipeline Extension Project, Bharat Petroleum Corporation Limited, 1-C, Bal Mandir Colony, Near Hotel Pink Palace, Sawai Madhopur-322001 (Rajasthan).

SCHEDULE

TEHSIL : GANGAPUR		DISTRICT : SAWAI MADHOPUR		STATE : RAJASTHAN
S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE	
1	2	3	4	
1.	CHULI	1190	0.0303	
		565/2190	0.1368	
		1182	0.0144	
2.	TOKSI	1128	0.0072	
		1080	0.0216	
3.	VAZIRPUR	611	0.2448	
4.	SALEMPUR	641	0.0040	
5.	KHAREDA	351	0.2592	
6.	KHANPUR BADODA	527	0.0864	

[F. No. R-31015/93/2004-O.R.-II]
A. GOSWAMI, Under Secy.

नई दिल्ली, 12 मई, 2006

का. अंग 1962.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्य प्रदेश में मांगल्या (इन्दौर) संस्थापन से हरयाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए भारत पेट्रोलियम कार्पोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50), की धारा 3 की उपधारा (1) द्वारा प्रदत शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियों साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिये उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री दीपक नन्दी, सक्षम प्राधिकारी, मुम्बई-मांगल्या पाइपलाइन विस्तार परियोजना, भारत पेट्रोलियम कार्पोरेशन लिमिटेड, बी-105, इन्द्र विहार, तलवंडी, कोटा - 324005 (राजस्थान) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : लाडपुरा

जिला : कोटा

राज्य : राजस्थान

क्र०	ग्राम का नाम	सर्व नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
1	जाखोड़ा	216/878	0.0220
2	गोदलियाहेड़ी	292/595	0.0020

[फा. सं. आर-31015/8/2005-ओ.आर.-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 12th May, 2006

S. O. 1962.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Manglyा (Indore) terminal in the State of Madhya Pradesh, an extension pipeline to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi should be laid by Bharat Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Any person, interested in the land described in the said Schedule may within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri Deepak Nandi, Competent Authority, Mumbai-Manglyा Pipeline Extension Project, Bharat Petroleum Corporation Limited, B-105, Indravihar, Talwandi, Kota-324005 (Rajasthan).

SCHEDULE

TEHSIL : LADPURA		DISTRICT : KOTA	STATE : RAJASTHAN
S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
1	JAKHODA	216/878	0.0220
2	GODALIYAHEDI	292/595	0.0020

[F. No. R-31015/8/2005-O.R.-II]
A. GOSWAMI, Under Secy.

नई दिल्ली, 15 मई, 2006

व का. आ. 1963.— केन्द्रीय सरकार ने पेट्रोलियम और अनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 2751 तारीख 28 जुलाई, 2005, जो भारत के राजपत्र तारीख 6 अगस्त, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में महाराष्ट्र राज्य में लोनी (पुणे) मे पकनी (सोलापुर) तक हजारवाडी के रास्ते पेट्रोलियम उत्पादों के परिवहन के लिए मुम्बई-पुणे पाइपलाइन विस्तार परियोजना के माध्यम से हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जबता को तारीख 9 दिसंबर, 2005, को उपलब्ध करा दी गई थीं ;

और सकाम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाए, सभी विलंगमों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तालुका : तासगाव		जिला : सांगली		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एकर	वर्ग मीटर
1	2	3	4	5	6	7	8
1	निमणी		134		00	16	25
			476		00	01	84
			496		00	02	74
				कुल	00	20	83
2	नेहरुनगर		28	2	00	04	47
			27		00	01	40
			6		00	01	60
			9		00	00	30
			5		00	05	11
				कुल	00	12	88
3	तासगाव	688			00	24	25
		689			00	00	60
		548			00	25	00
		540			00	01	14
		538			00	01	05
		437			00	00	60
		438			00	00	36
		460			00	02	30
		380			00	01	30
		381			00	15	46
		283			00	00	30
		193			00	03	43
				कुल	00	75	79
4	चिंचणी	608			00	03	05
		658	3		00	22	00
		763			00	00	60
		902			00	02	06
				कुल	00	27	71
5	भेरेवाडी	214			00	02	45
		212			00	09	46
		181			00	32	06
				कुल	00	43	97
6	सावडे	254			00	14	08
		256			00	01	63
		261			00	01	36
		263			00	00	78

तालुका : तासगांव		जिला : सांगली		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
1	2	3	4	5	हेक्टर	एकर	चर्ग मीटर
6	सावडे (निरंतर)		276		00	01	68
			278		00	00	30
			280		00	00	73
			283		00	02	02
			285		00	02	71
			288		00	00	60
				कुल	00	25	89
7	कौलगे		293		00	00	83
			289		00	03	10
			281		00	07	20
			277		00	01	55
			275		00	01	00
			272		00	01	04
			248		00	00	30
			249		00	00	80
			214		00	00	70
			218		00	00	30
			217		00	01	60
			207		00	00	60
			182		00	00	30
			171		00	02	63
			146		00	01	64
			147		00	00	37
			148		00	00	96
			149		00	00	74
			151		00	00	22
			152		00	01	32
			108		00	00	30
			53		00	01	50
				कुल	00	29	00
8	वाधापुर	339 से 366			00	01	91
		89			00	02	26
		90			00	02	94
		96			00	01	55
		97			00	00	60
		107			00	00	51
		109			00	00	78

तालुका : तासगांव		ज़िला : सांगली		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
8	दाघापुर (निरंतर)		110		00	00	58
			111		00	00	66
			67		00	00	30
			65		00	05	73
			114		00	00	23
			119		00	01	11
			123		00	01	09
			125		00	03	34
			129		00	03	48
			131		00	01	15
			135		00	02	70
			136		00	03	21
			137		00	02	49
			138		00	00	61
			139		00	02	11
			146		00	08	92
				कुल	00	48	26
9	खुजगाव		156		00	01	04
			155		00	01	38
			152		00	00	48
			180		00	01	91
			186		00	03	16
			91	व	00	00	34
			92		00	00	35
			104		00	06	81
			105		00	03	43
				कुल	00	18	90
10	बस्तवडे		759		00	02	50
			760		00	02	25
			815		00	26	00
			814		00	11	61
			813		00	08	50
			गट नंबर 813 में नाला		00	03	31
			771		00	15	50
			गट नंबर 771 और 770 } के बीच में नाला } <td></td> <td>00</td> <td>03</td> <td>96</td>		00	03	96

तालुका : तासगांव		जिला : सांगली		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
1	2	3	4	5	6	7	8
10	बस्तवडे (निरंतर)		770		00	08	50
			768		00	17	80
			767		00	06	25
			766		00	10	25
			765		00	05	00
			764		00	07	50
			761		00	10	00
				कुल	01	38	93
11	सावलज	294			00	08	28
		316		3	00	01	26
		316		4	00	01	24
		317			00	70	85
		121			00	09	77
		104		5	00	07	84
		104		6	00	02	23
		107		4	00	03	37
		107		6+5	00	08	05
		56			00	32	00
		12			00	00	72
		11			00	00	60
		9			00	01	38
		7		1अ+2अ	00	00	84
		19		3	00	03	78
		533		1अ+4व+3+5+6	00	05	04
		540			00	00	23
		555		2अ/3	00	02	85
		543		5	00	03	41
				कुल	01	63	74
12	डॉगरसोनी	1089			00	03	00
		1082			00	04	24
		1106			00	01	39
		1108			00	00	30
		107			00	03	01

तालुका : तासगांव		ज़िला : सांगली		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एकर	वर्ग मीटर
1	2	3	4	5	6	7	8
12	डोगरसोनी (निरंतर)		158		00 07 59		
			165		00 02 48		
					कुल 00 22 01		

[फा. सं. आर-31015/26/2004-ओ.आर-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 15th May, 2006

S. O. 1963.— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2751, dated the 28th July, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 6th August, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Pune Pipeline Extension Project from Loni (Pune) to Pakni (Solapur) via Hazarwadi in the State of Maharashtra by Hindustan Petroleum Corporation Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 9th December, 2005;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

Taluka : TASGAON		District : SANGLI		State : MAHARASHTRA			
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
1	NIMANI		134 476 496		00 00 00	16 01 02	25 84 74
					Total	00	20 83
2	NEHRUNAGAR		28 27 6 9 5		2 00 00 00 00	04 01 01 00 05	47 40 60 30 11
					Total	00	12 88
3	TASGAON	688 689 548 540 538 437 438 460 380 381 283 193			00 00 00 00 00 00 00 00 00 00 00 00	24 00 25 01 01 00 00 02 01 15 00 03	25 60 00 14 05 60 36 30 46 30 43
					Total	00	75 79
4	CHINCHANI	608 658 763 902		3	00 00 00 00	03 22 00 02	05 00 60 06
					Total	00	27 71
5	BAHIREWADI	214 212 181			00 00 00	02 09 32	45 46 06
					Total	00	43 97
6	SAWARDE	254 256 261 263			00 00 00 00	14 01 01 00	08 63 36 78

Taluka : TASGAON		District : SANGLI		State : MAHARASHTRA			
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
6	SAWARDE (Contd.)		276		00	01	68
			278		00	00	30
			280		00	00	73
			283		00	02	02
			285		00	02	71
			288		00	00	60
				Total	00	25	89
7	KAULGE		293		00	00	83
			289		00	03	10
			281		00	07	20
			277		00	01	55
			275		00	01	00
			272		00	01	04
			248		00	00	30
			249		00	00	80
			214		00	00	70
			218		00	00	30
			217		00	01	60
			207		00	00	60
			182		00	00	30
			171		00	02	63
			146		00	01	64
			147		00	00	37
			148		00	00	96
			149		00	00	74
			151		00	00	22
			152		00	01	32
			108		00	00	30
			53		00	01	50
				Total	00	29	00
8	VAGHAPUR		339 to 366		00	01	91
			89		00	02	26
			90		00	02	94
			96		00	01	55
			97		00	00	60
			107		00	00	51
			109		00	00	78

Taluka : TASGAON		District : SANGLI		State : MAHARASHTRA			
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
1	2	3	4	5	Hectare	Are	Sq.mt
8	VAGHAPUR (Contd.)		110		00	00	58
			111		00	00	66
			67		00	00	30
			65		00	05	73
			114		00	00	23
			119		00	01	11
			123		00	01	09
			125		00	03	34
			129		00	03	48
			131		00	01	15
			135		00	02	70
			136		00	03	21
			137		00	02	49
			138		00	00	81
			139		00	02	11
			148		00	08	92
				Total	00	48	26
9	KHUJGAON		158		00	01	04
			155		00	01	38
			152		00	00	48
			180		00	01	91
			188		00	03	16
			91	B	00	00	34
			92		00	00	35
			104		00	08	81
			105		00	03	43
				Total	00	16	90
10	BASTAWADE		759		00	02	50
			780		00	02	25
			815		00	28	00
			814		00	11	81
			813		00	08	50
		Nala in Gat No 813 }			00	03	31
		771 }			00	15	50
		Nala in between Gat No 771 & 770 }			00	03	98

Taluka : TASGAON		District : SANGLI		State : MAHARASHTRA			
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
10	BASTAWADE (Contd.)		770		00	08	50
			768		00	17	80
			767		00	06	25
			766		00	10	25
			765		00	05	00
			764		00	07	50
			761		00	10	00
					Total	01	38 93
11	SAWLAJ	294			00	08	28
		316		3	00	01	26
		316		4	00	01	24
		317			00	70	85
		121			00	09	77
		104		5	00	07	84
		104		6	00	02	23
		107		4	00	03	37
		107		6+5	00	08	05
		56			00	32	00
		12			00	00	72
		11			00	00	60
		9			00	01	38
		7		1A+2A	00	00	84
		19		3	00	03	78
		533		1A+4B+3+5+6	00	05	04
		540			00	00	23
		555		2A/3	00	02	85
		543		5	00	03	41
					Total	01	63 74
12	DONGAR SONI	1089			00	03	00
		1082			00	04	24
		1106			00	01	39
		1108			00	00	30
		107			00	03	01

Taluka : TASGAON		District : SANGLI		State : MAHARASHTRA			
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
12	DONGAR SONI (Contd.)		158		00	07	59
			165		00	02	48
				Total	00	22	01

[F. No. R-31015/26/2004-O.R.-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 15 मई, 2006

का. आ. 1964.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है की मेसर्स गैस ट्रान्स्पोर्टेशन एंड इन्फ्रास्ट्रक्चर कंपनी लिमिटेड की संप्रवर्तक कंपनी मेसर्स रिलाएंस इंडस्ट्रीज लिमिटेड, के गोवा में उत्तरी / दक्षिणी अपतट में खोज क्षाकों और आन्ध्रप्रदेश में संरचनाओं से महाराष्ट्र राज्य में, सोलापूर और उसानावाद जिले के विभिन्न उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए मेसर्स गैस ट्रान्स्पोर्टेशन एंड इन्फ्रास्ट्रक्चर कंपनी लिमिटेड द्वारा एक पाइपलाइन विछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन विछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है की उस भूमि में, जिसके भीतर उक्त पाइपलाइन विछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपावद्ध अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितवद्ध है उस तारीख से जिसको उक्त अधिनियम की धारा (3) की उपधारा (1) के अधीन जारी की गई अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कास दिन के भीतर भूमि के नीचे पाइपलाइन विछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के संबंध में श्री. डी.एस. धोत्रे, सक्षम प्रधिकारी, गैस ट्रान्स्पोर्टेशन एंड इन्फ्रास्ट्रक्चर कंपनी लिमिटेड, प्लाट नं. 14/ व, नीरा पाम सोसायटी, विजापूर रोड, सोलापूर-413004, महाराष्ट्र राज्य को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

मंडल/ तहसील/ तालुका : बाशी		जिल्हा : सोलापूर		राज्य : महाराष्ट्र		
गांव का नाम		सर्वे / हिस्सा नंबर		आर भू विभिन्न वर्षों के लिए भूकल		
				हेक्टर	एर	सि-एर
1	2	3	4	5	6	7
1) नारीवाडी		109*	00	07	50	
2) नारी		377**	00	24	90	
3) गोरमाळे		361/2**	00	12	50	
		361/1*	00	12	00	
		361/3*	00	12	00	
4) भोइरी		53/1**	00	22	60	
5) देवगाव		156/1**	00	90	00	
		156/3*	00	54	40	
		234/5*	00	35	15	

मंडल/ तहसील/ तालुका : परांडा	जिल्हा : उस्मानाबाद	राज्य : महाराष्ट्र	4	5
1) सिरसाव	325*	00	11	00
2) डोंजा	634**	00	00	50
	635**	00	01	00
	641**	00	24	90
मंडल/ तहसील/ तालुका : करमाळा	जिल्हा : सोलापूर	राज्य : महाराष्ट्र		
1) करंजे	201/5**	00	21	80
	201/6*	00	03	00
2) पोथरे	147/2*	00	10	50
	147/3*	00	10	50
	147/4*	00	10	50
	147/5*	00	10	50
	147/6*	00	10	50
	147/8*	00	10	50
	147/9*	00	10	50
	147/11*	00	21	50

* नई अधिसूचना.

** का.आ. 2790, दिनांक: 28/10/2004 द्वारा पी.एम.पी. अंक्ट, 1962 की धारा 3 की उपधारा (1) के अन्तर्गत सूचित किये गये सर्वे नंबर.

[फा. सं. एल-14014/36/04-जी.पी.]

एस. वी. मण्डल, अवर मर्गिव

New Delhi, the 15th May, 2006

S. O. 1964.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of the natural gas from exploration blocks in the Northern/ Southern Offshore of Goa and structures in Andhra Pradesh of M/s Reliance Industries Limited, the promoter company of M/s Gas Transportation and Infrastructure Company Limited to the various consumers of District Solapur and Osmanabad in the State of Maharashtra, a pipeline should be laid by M/s Gas Transportation and Infrastructure Company Limited;

And whereas, it appears to the Central Government that for the purpose of laying the such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which are described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification as published in the Gazette of India under sub-section (1) of section 3 of the said Act, are made available to the general public, object in writing to the acquisition of right of the user therein for laying the pipeline under the land to Shri. D.S. Dhotre, Competent Authority, Gas Transportation and Infrastructure Company Limited Pipeline Project, Plot No. 14/B, Neera Palm Society, Vijapur Road, Solapur-413004, Maharashtra State.

Schedule

Mandal/Tehsil/Taluka: Barsi		District: Solapur		State : Maharashtra		
Village	Survey/ Sub-division No.	Area to be notified in R.O.U.				
		Hectare	Are	C-Are		
1	2	3	4	5		
1) Nariwadi	109*	00	07	50		
2) Nari	377**	00	24	90		
3) Gormale	361/2**	00	12	50		
	361/1*	00	12	00		
	361/3*	00	12	00		
4) Bhoire	53/1**	00	22	60		
5) Devgaon	156/1**	00	90	00		
	156/3*	00	54	40		
	234/5*	00	35	15		
Mandal/Tehsil/Taluka: Paranda		District: Osmanabad		State : Maharashtra		
1) Sirsav	325*	00	11	00		
2) Donja	634**	00	00	50		
	635**	00	01	00		
	641**	00	24	90		
Mandal/Tehsil/Taluka: Karmala		District: Solapur		State : Maharashtra		
1) Karanje	201/5**	00	21	80		
	201/6*	00	03	00		
2) Pothare	147/2*	00	10	50		
	147/3*	00	10	50		
	147/4*	00	10	50		
	147/5*	00	10	50		
	147/6*	00	10	50		
	147/8*	00	10	50		
	147/9*	00	10	50		
	147/11*	00	21	50		

* Fresh Notification

** Survey Nos. Notified vide S.O. 2790 dated 28/10/2004 u/s 3(1) of PMP, Act 1962. Additional areas.

[F. No. L-14014/36/04-G.P.]
S. B. MANDAL Under Secy.

नई दिल्ली, 16 मई, 2006

का. आ. 1962.—केन्द्रीय सरकार को लोक हित में यह आवश्यक प्रतीत होता है कि उत्तरप्रदेश राज्य में दादरी से हरियाणा राज्य में पानीपत तक, प्राकृतिक गैस के परिवहन के लिए इण्डियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा “आर.-एल.एन.जी. स्पर पाइपलाइन” के कार्यान्वयन हेतु एक शाखा पाइपलाइन विछाई जानी चाहिए; और केन्द्रीय सरकार को उक्त पाइपलाइन विछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उक्त भूमि में, जो इस अधिमूचना से संलग्न अनुमूलि में वर्णित है और जिसमें पाइपलाइन विछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पैटेलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई भी व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के संबंध में श्री पृथ्वी सिंह, सक्षम प्राधिकारी, (हरियाणा), इण्डियन ऑपल कॉर्पोरेशन लिमिटेड, उत्तरी क्षेत्र पाइपलाइन्स प्रभाग, हरियाणा पी.ओ. पानीपत रिफाइनरी, बहोली, पानीपत को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : समालखा		जिला : पानीपत			राज्य : हरियाणा		
गाँव का नाम	हदबस्त संख्या	मुस्तातिल संख्या	खसरा/ किला संख्या	क्षेत्रफल			
				हेक्टेयर	एयर	वर्गमीटर	
1. राकसेडा	91	220	16	0	07	08	
			15	0	00	75	
			14/1	0	05	06	
			14/2	0	06	83	
			7/2	0	11	89	
			4	0	01	26	
			8	0	00	75	
			3	0	11	38	
	210	23	0	12	14		
		22	0	00	50		
		18	0	01	51		
		19	0	11	13		
		12	0	11	89		
		11	0	00	75		
		9	0	01	26		
		10	0	11	38		
		1	0	11	63		
	207	21	0	01	26		
	209	5	0	01	01		
	208	25	0	11	38		
		16	0	12	14		
		17	0	00	50		
			0	01	77		
			0	10	37		
			0	12	39		
			0	02	02		
		8	0	00	25		
		3	0	10	62		

गाँव का नाम	हदबस्त संख्या	मुस्तिल संख्या	खसरा/ किला संख्या	क्षेत्रफल		
				हेक्टेयर	एयर	वर्गमीटर
	183	23	0	08	60	
		18	0	02	78	
		22	0	02	53	
		19	0	09	61	
		12	0	12	65	
		9	0	03	03	
		11	0	00	25	
		10	0	09	61	
		1	0	12	65	
	179	21	0	04	04	
	182	5	0	00	25	
	180	25	0	08	60	
		16	0	12	65	
		15	0	04	30	
		14	0	08	09	
		7/1	0	03	79	
		7/2	0	08	60	
		4	0	08	60	
		3	0	03	79	
	145	24	0	00	25	
		23	0	12	39	
		18	0	09	86	
		19/1	0	02	02	
		19/2	0	00	25	
		13	0	00	50	
		12	0	11	89	
		9	0	03	79	
		253/2	0	01	51	
		254	0	00	50	
		808	0	01	01	
2. बसाडा	90	48	9	08	34	
			10	01	01	
			2	01	01	
			1	11	63	
	46	21	0	12	39	
		20	0	02	02	

गाँव का नाम	हदबस्त संख्या	मुस्तिल संख्या	खसरा/ किला संख्या	क्षेत्रफल		
				हेक्टेयर	एयर	वर्गमीटर
	45	25	0	00	25	
		16/1	0	03	03	
		16/2	0	02	27	
		14	0	00	25	
		15	0	15	18	
		6	0	03	79	
		7	0	08	60	
		4/1	0	00	25	
		4/2	0	12	39	
	40	24/1	0	01	51	
		24/2	0	04	04	
		23	0	07	08	
		18	0	12	65	
		13	0	07	59	
		12	0	05	06	
		9/1	0	01	51	
		9/2	0	11	89	
		2/1	0	02	27	
		2/2	0	03	03	
		1	0	07	84	
	32	21	0	12	90	
		20/1	0	00	50	
		20/2	0	01	26	
	31	25	0	00	25	
		16/1	0	04	04	
		16/2	0	04	80	
		15	0	12	14	
		14	0	01	01	
		7/1	0	08	09	
		7/2	0	02	53	
		6/2	0	00	50	
		4/1	0	09	36	
		3	0	01	77	

गाँव का नाम	हदबस्त संख्या	मुस्तातिल संख्या	खसरा/ किला संख्या	क्षेत्रफल		
				हेक्टेयर	एयर	वर्गमीटर
	30	23	0	12	90	
		24	0	00	25	
		18	0	06	57	
		19	0	06	57	
		12	0	04	04	
		61	0	02	27	
		63	0	00	75	
		74	0	01	26	
		79	0	00	75	
		107	0	01	51	
		119	0	02	02	
3. महावटी	89	39	12/1	0	00	25
			12/2	0	00	50
			12/3	0	03	54
			12/4	0	01	01
			12/5	0	00	50
			12/6	0	03	79
			9	0	04	04
			10/1	0	05	56
			10/4	0	03	28
			1	0	10	37
	40	5	0	03	03	
	37	25	0	14	42	
		16	0	02	02	
		24	0	00	25	
		17/1	0	09	36	
		17/2	0	03	54	
		14	0	06	07	
		13/1	0	06	83	
		13/2	0	01	51	
		8	0	09	61	
		9	0	00	50	
		2	0	13	91	

गाँव का नाम	हदबस्त संख्या	मुस्तिल संख्या	खसरा/ किला संख्या	क्षेत्रफल		
				हेक्टेयर	एयर	वर्गमीटर
			1/2	0	00	50
	22	22	0	01	51	
			21/1/1	0	08	09
			21/1/2	0	00	50
			21/2	0	04	80
			20	0	05	81
	23	16	0	08	85	
		15	0	07	33	
		14/1	0	07	08	
		14/2	0	05	81	
		7	0	01	26	
		8/1	0	08	60	
		8/2	0	06	07	
		13	0	00	50	
		3	0	04	04	
		2/1	0	04	04	
		2/2	0	03	28	
		2/3	0	00	50	
		2/4	0	01	01	
	18	22/2/1	0	03	28	
		22/2/2	0	01	77	
		22/1	0	04	55	
		19	0	00	50	
		21/1	0	00	25	
		20	0	11	38	
		11/1	0	07	59	
		11/2	0	00	25	
		10	0	00	25	
	17	15/1	0	01	26	
		6/1	0	13	15	
		6/2	0	00	50	
		5	0	02	53	
		7/1	0	00	25	

गाँव का नाम	हृदबस्तु संख्या	मुस्तातिल संख्या	खसरा/ किला संख्या	क्षेत्रफल		
				हेक्टेयर	एयर	वर्गमीटर
			4	0	11	13
	6		24	0	07	84
			23	0	06	83
			18	0	11	63
			19	0	00	50
			104	0	02	27
			110	0	04	55
			162	0	01	26
			165	0	00	25
			166	0	00	25
			178	0	01	01
			352	0	04	30
			408	0	01	51
4. देहरा	85	102	13	0	01	01
			12	0	16	69
			11	0	00	25
			9	0	02	27
			10	0	12	14
			1	0	05	81
	103		5	0	07	84
			25	0	10	87
			16	0	00	25
			24/2	0	02	78
			17	0	11	63
			14	0	01	26
			18	0	00	50
			13	0	12	65
			8/1	0	02	78
			8/2	0	04	55
			9	0	06	57
			2	0	12	39
			1	0	01	51

गाँव का नाम	हृदबस्त संख्या	मुस्ततिल संख्या	खसरा/ किला संख्या	क्षेत्रफल		
				हेक्टेयर	एयर	वर्गमीटर
	80	22	0	00	50	
		21	0	13	66	
		20	0	05	31	
	81	16	0	08	60	
		15/1	0	05	06	
		15/2	0	06	07	
		14	0	01	51	
		6	0	00	25	
		7	0	13	91	
		4/1	0	00	25	
		4/2	0	04	04	
		3	0	09	86	
	62	23/1	0	01	77	
		23/2	0	06	57	
		22/1	0	02	78	
		18/2	0	00	25	
		19	0	14	42	
		12	0	03	54	
		20/1	0	00	25	
		11	0	10	87	
		10	0	09	61	
	61	6	0	04	55	
		5	0	13	91	
		4	0	00	25	
	56	25	0	01	51	
		24/2	0	11	63	
		17/3	0	07	84	
		18	0	06	57	
		13	0	13	66	
		12/1	0	00	75	
		8	0	01	26	
		9	0	13	15	
		2/1	0	06	07	

गाँव का नाम	हदबस्ति संख्या	मुस्तिल संख्या	खसरा/ किला संख्या	हेक्टेयर	क्षेत्रफल एयर	वर्गमीटर
		1	0	08	09	
	35	21/1	0	00	75	
		21/2	0	01	01	
		21/3	0	04	04	
		29	0	03	28	
		20	0	00	25	
	34	25	0	00	50	
		16	0	13	15	
		15	0	04	30	
		14/1	0	07	59	
		14/2	0	00	75	
		7	0	12	14	
		8	0	02	02	
		4	0	00	25	
		3/1	0	02	53	
		3/2	0	11	38	
	31	22/1	0	06	07	
		22/2	0	02	53	
		23/1	0	00	25	
		23/2	0	05	56	
		19/1	0	06	07	
		19/2	0	05	81	
		12/2	0	00	25	
		20/1/1	0	02	27	
		11/1	0	06	07	
		11/2	0	06	57	
		10	0	03	28	
	32	6	0	08	85	
		5	0	08	60	
		4	0	04	04	
	8	24/1	0	05	56	
		24/2	0	01	77	
		121	0	04	55	

गाँव का नाम	हदबस्त संख्या	मुस्ततिल संख्या	खसरा/ किला संख्या	क्षेत्रफल		
				हेक्टेयर	एयर	वर्गमीटर
			122	0	02	27
			123	0	03	03
			193	0	01	26
			229	0	01	01
			637	0	01	26
			638	0	01	01
			653	0	01	26
			661	0	02	53
			667	0	01	51
			726	0	01	01
5. डिकाडला	81	128	24	0	07	84
			17/2/1/1	0	00	25
			17/2/1/2	0	00	25
			17/2/2/1	0	01	01
			17/2/2/2	0	01	77
			18	0	10	62
			13	0	09	61
			12	0	04	30
			9/1	0	08	09
			9/2	0	05	31
			2/1	0	00	50
			2/2	0	01	01
			10/1	0	00	25
			1	0	11	38
	106	21	0	09	36	
	105	25	0	03	28	
		16	0	13	66	
		26	0	00	25	
		17	0	00	25	
		15	0	02	53	
		14	0	11	38	
		7	0	06	07	
		4	0	01	77	

गाँव का नाम	हृदबस्त संख्या	मुस्ततिल संख्या	खसरा/ किला संख्या	क्षेत्रफल		
				हेक्टेयर	एयर	वर्गमीटर
			8	0	04	30
			3	0	13	91
			2	0	00	25
	103	23	0	02	53	
		22/1	0	09	10	
		22/2	0	02	27	
		19	0	04	55	
		140	0	01	77	
		162	0	01	26	
		546/1	0	01	51	
6. जौरासी सर्फ खास	72	124	19	0	04	55
			20	0	04	55
			11	0	13	66
			10	0	02	78
	125	15/2	0	00	25	
		6/1/1	0	04	04	
		6/1/2	0	01	51	
		6/2/1	0	04	04	
		6/2/2	0	00	50	
		5/1	0	10	87	
		4	0	02	78	
	121	24	0	13	40	
		17	0	03	79	
		18	0	09	86	
		25/1	0	00	25	
		13/1	0	05	81	
		13/2	0	04	30	
		12/1	0	02	78	
		8	0	00	25	
		9/1	0	12	65	
		9/2	0	00	75	
		2	0	03	54	

गाँव का नाम	हदबस्ति संख्या	मुस्तातेल संख्या	खसरा/ किला संख्या	क्षेत्रफल		
				हेक्टेयर	एयर	वर्गमीटर
	1	0	08	34		
	114	21	0	12	14	
		20	0	04	04	
		1/2	0	00	25	
		10	0	01	51	
		11/1	0	02	53	
		11/2	0	00	25	
	115	25	0	01	51	
		16	0	07	08	
		15/2	0	08	60	
		6/1	0	09	61	
		5/1	0	01	01	
		5/2/2	0	04	30	
	108	25	0	11	13	
		16	0	13	91	
		15/1	0	01	51	
		17/1	0	00	25	
		14/1	0	09	10	
		14/2	0	03	54	
		7/1	0	01	26	
		7/2	0	05	56	
		8	0	07	59	
		3	0	11	63	
		2/1	0	00	25	
		2/2	0	02	27	
	100	23	0	00	25	
		22	0	14	16	
		19	0	03	54	
		20	0	09	36	
		21	0	00	25	
		11/1	0	06	32	
		27	0	03	54	

गाँव का नाम	हदबस्त संख्या	मुस्ततिल संख्या	खसरा/ किला संख्या	क्षेत्रफल		
				हेक्टेयर	एयर	वर्गमीटर
	101	15	0	06	07	
		6/1	0	10	62	
		6/2	0	02	53	
		5/1	0	01	01	
		7	0	00	75	
		4/1	0	02	27	
		4/2	0	08	85	
	88	24/1	0	05	06	
		23	0	09	36	
		18/1	0	01	77	
		18/2	0	09	10	
		19/1/1	0	03	54	
		19/1/2	0	00	25	
		12	0	13	15	
		9	0	01	77	
		10/1	0	12	39	
		10/2	0	00	25	
		11	0	00	25	
		1/1	0	06	57	
		1/2	0	00	50	
	87	5	0	07	33	
	81	25	0	12	65	
		24	0	01	77	
		16	0	00	25	
		17	0	14	16	
		14	0	03	54	
		13	0	10	87	
		8/1	0	00	25	
		8/2	0	06	07	
		9	0	06	32	
		2	0	10	87	
		1	0	04	55	
	63	21	0	11	89	

गाँव का नाम	हदबस्त संख्या	मुस्तिल संख्या	खसरा/ किला संख्या	क्षेत्रफल		
				हेक्टेयर	एयर	वर्गमीटर
	62	25/1	0	02	02	
		25/2	0	02	78	
		16/1	0	01	77	
		16/2	0	10	62	
		17/1	0	02	02	
		17/2	0	01	77	
		17/3	0	00	25	
		14/1	0	00	25	
		14/2	0	12	39	
		13	0	03	54	
		8	0	11	63	
		9	0	03	54	
		3/2	0	00	25	
		2/1	0	08	60	
		2/2	0	04	30	
		1	0	03	54	
57	21	0	12	65		
58	25/1/1	0	02	27		
	25/1/2	0	00	75		
	25/2/1	0	00	25		
	25/2/2	0	00	50		
	16/1	0	04	80		
	16/2/1	0	05	81		
	16/2/2	0	00	25		
	17/1	0	02	53		
	17/2	0	00	25		
	14	0	11	63		
	7	0	11	63		
	4	0	07	59		
	3/1	0	00	25		
	3/2	0	04	04		
32	24/1	0	00	25		
	23	0	08	34		
	144/1	0	05	56		

गाँव का नाम	हृदबस्त संख्या	मुस्ततिल संख्या	खसरा/ किला संख्या	क्षेत्रफल		
				हेक्टेयर	एयर	वर्गमीटर
			152	0	03	54
			198	0	01	01
			199	0	01	01
			727	0	03	28
			758	0	01	26
			760	0	01	51
			762	0	00	50
			779	0	01	77
			798/1	0	00	75
			798/3	0	01	51
7. जौरासी खालसा	74	93	22/2/2	0	00	50
			18/1	0	08	34
			18/2	0	03	54
			13/1	0	07	33
			13/2	0	04	04
			8/2	0	07	33
			9	0	04	04
			3/1	0	00	25
			2	0	11	13
	84		22/1	0	04	80
			22/2	0	07	59
			19/2	0	04	04
			20/1	0	05	31
			20/2	0	01	77
	83		16/1	0	09	36
			16/2	0	03	79
			15	0	02	02
			17	0	02	78
			108	0	05	06
			124	0	01	01
			126	0	03	28
8. गढ़ी छाजू	73	85	14/1	0	10	12
			14/2	0	01	01
			17	0	00	25

गाँव का नाम	हदबस्त संख्या	मुस्ततिल संख्या	खसरा/ किला संख्या	क्षेत्रफल		
				हेक्टेयर	एयर	वर्गमीटर
			13	0	03	28
			7	0	00	25
			8	0	13	15
			3	0	00	25
			9/2	0	00	75
			2	0	14	42
			1/1	0	00	75
	80		22	0	00	75
			21/1	0	04	04
			21/2	0	08	09
			20	0	02	53
	81		25/1	0	00	25
			16/1	0	07	84
			16/2	0	05	31
			15	0	03	28
			14/1	0	00	25
			14/2	0	10	62
			7	0	06	57
			8/1	0	05	81
			8/2/1	0	02	78
			8/2/2	0	00	25
			3	0	09	10
			2	0	06	32
	71		22	0	10	12
			21	0	03	03
			20	0	12	90
			11/1	0	00	25
	70		16	0	01	01
			15	0	00	75
			115	0	02	27
			148	0	01	01
			381	0	03	79
			383	0	01	77

गाँव का नाम	हृदबस्त संख्या	मुस्ततिल संख्या	खसरा/ किला संख्या	क्षेत्रफल		
				हेक्टेयर	एयर	वर्गमीटर
9. करहंस	69	110	15	0	10	62
			14	0	00	25
			6	0	02	27
			7	0	11	89
			4/1	0	00	25
			4/2	0	08	09
			3	0	04	55
	106		23	0	13	66
			18	0	02	27
			22	0	00	25
			19	0	12	14
			12/2	0	08	85
			11/1	0	01	01
			11/2	0	04	30
			10/1	0	02	78
			10/2	0	10	87
			1	0	01	51
	107		6	0	00	25
			5/1	0	04	55
			5/2	0	05	06
	99		25	0	07	08
			24	0	09	86
			17	0	06	07
			18/1	0	07	33
			18/2	0	02	27
			13/1	0	04	55
			12/1	0	08	09
			12/2	0	04	30
			9/2	0	03	03
			10	0	13	91
			1	0	02	53

गाँव का नाम	हृदबस्ति संख्या	मुस्ततिल संख्या	खसरा/ किला संख्या	क्षेत्रफल		
				हेक्टेयर	एयर	वर्गमीटर
	98	6		0	00	25
		5		0	13	91
		4		0	00	50
	90	25		0	01	01
		24		0	14	16
		17		0	00	25
		23/1		0	01	01
		18		0	14	42
		19		0	02	27
		13/1		0	00	25
		12		0	13	91
		11		0	03	03
		9		0	00	25
		10/1		0	05	56
		10/2		0	06	83
	91	6/1		0	01	26
		6/2		0	02	27
		5/1		0	02	53
		5/2		0	08	60
		4/1		0	04	80
	77	24/2		0	09	86
		23		0	07	08
		18/2		0	08	34
		19		0	08	60
		12		0	05	81
		11		0	09	86
		10		0	06	32
	76	6/1		0	08	09
		6/2		0	02	53
		5		0	05	31
		4		0	10	62
	70	24		0	03	79
		23		0	13	15

गाँव का नाम	हदबस्त संख्या	मुस्तिल संख्या	खसरा/ किला संख्या	क्षेत्रफल		
				हेक्टेयर	एयर	वर्गमीटर
			18/1	0	00	25
			18/2	0	02	02
			22	0	00	25
			19	0	14	42
			12	0	02	27
			11/1	0	03	79
			11/2	0	09	36
			10	0	01	77
54	24/2			0	00	75
	23			0	01	01
71	3			0	10	87
	2			0	02	27
	1			0	09	10
	15			0	00	25
	6			0	09	36
	5			0	00	50
	7/2			0	00	25
	4			0	14	92
72	5			0	03	79
	6/1			0	05	81
	7/1			0	12	14
	7/2			0	00	50
	8			0	12	65
	9			0	09	10
	12			0	04	55
	10			0	00	25
	11			0	13	15
73	15/1			0	05	31
	15/2			0	00	25
	16			0	00	75
	14			0	01	77
30	4			0	04	80

गाँव का नाम	हृदबस्तु संख्या	मुस्ततिल संख्या	खसरा/ किला संख्या	क्षेत्रफल		
				हेक्टेयर	एयर	वर्गमीटर
	13	24/1	0	02	02	
		24/2	0	06	57	
		23/2	0	04	55	
		18	0	13	91	
		13	0	02	78	
		19	0	00	25	
		12/2	0	10	87	
		9	0	11	38	
		2	0	08	85	
		1/1	0	00	25	
	11	21	0	06	07	
		22/1	0	04	04	
		119	0	04	55	
		121	0	07	08	
		125	0	11	13	
		129	0	03	03	
		131	0	02	27	
		136	0	01	01	
		172	0	02	53	
		174	0	01	01	
		176	0	01	01	
		183	0	01	01	
		351	0	06	32	
		363	0	01	26	
		393	0	01	26	
		398	0	01	26	
		399	0	01	26	
		402	0	01	26	
		403	0	01	26	
		404	0	05	06	
10. मनाना	33	17	0	09	86	
		13	0	02	27	
		18	0	11	63	

गाँव का नाम	हदबस्त संख्या	मुस्तिल संख्या	खसरा/ किला संख्या	क्षेत्रफल		
				हेक्टेयर	एयर	वर्गमीटर
			19	0	01	77
			12	0	11	13
			11	0	10	62
			10	0	06	57
34	6		0	08	85	
	5		0	08	85	
	4		0	05	81	
31	24		0	10	62	
	23		0	05	06	
	18		0	12	14	
	19		0	03	28	
	13		0	00	25	
	12		0	14	42	
	9		0	00	50	
	11		0	01	01	
	10		0	14	42	
	1		0	03	03	
30	5		0	11	89	
	6		0	00	25	
17	25/1		0	05	81	
	25/2		0	00	50	
	24/1		0	08	85	
	17		0	09	86	
	18		0	05	06	
	13		0	13	40	
	12		0	01	77	
	8		0	00	25	
	9		0	14	67	
	2		0	01	51	
	10		0	00	25	
	1		0	13	66	
14	21		0	05	31	

गाँव का नाम	हृदवस्तु संख्या	मुस्ततिल संख्या	खसरा/ किला संख्या	क्षेत्रफल		
				हेक्टेयर	एयर	वर्गमीटर
	13	25	0	08	85	
		16	0	10	87	
		17	0	03	28	
		15	0	00	25	
		14	0	14	16	
		13	0	00	25	
		7	0	02	53	
		8	0	11	89	
		3	0	07	84	
		2	0	06	83	
		22	0	12	90	
		21	0	01	77	
		19	0	00	50	
		20	0	13	66	
		11	0	06	57	
		15/2	0	07	59	
		6	0	13	15	
		7	0	01	01	
		5	0	00	75	
		4	0	09	36	
		248	0	01	26	
		250	0	00	50	

[फा. सं. एल-14014/10/06-जी.पी.]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 16th May, 2006

... S. O. 1965.—Whereas, it appears to the Central Government, that it is necessary in the public interest that for the transportation of Natural Gas from Dadri in the State of Uttarpradesh to Panipat in the State of Haryana through " R-LNG Spur pipeline from Dadri to Panipat ", should be laid by the Indian Oil Corporation Limited;

And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may, within twenty one days from the date on which the copies of this notification issued under sub-section(1) of Section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land, to Shri Prithvi Singh, Competent Authority (Haryana), Indian Oil Corporation Limited, Northern Region Pipelines Division, Haryana P.O. Panipat Refinery, Baholi, Panipat.

SCHEDULE

Tehsil :SAMALKHA		District : PANIPAT			State : HARYANA		
Name of Village	Hadbast No.	Mustatil No.	Khasra / Killa No.	Area			
				Hectare	Are	Square Metre	
1. RAKHSEDA	91	220	16	0	07	08	
			15	0	00	75	
			14/1	0	05	06	
			14/2	0	06	83	
			7/2	0	11	89	
			4	0	01	26	
			8	0	00	75	
			3	0	11	38	
	210	23		0	12	14	
		22		0	00	50	
		18		0	01	51	
		19		0	11	13	
		12		0	11	89	
		11		0	00	75	
		9		0	01	26	
		10		0	11	38	
		1		0	11	63	
	207	21		0	01	26	
	209	5		0	01	01	
	208	25		0	11	38	
		16		0	12	14	
		17		0	00	50	
		15		0	01	77	
		14		0	10	87	
		7		0	12	39	
		4		0	02	02	
		8		0	00	25	
		3		0	10	62	

Name of Village	Hadbast No.	Mustatil No.	Khasra / Killa No.	Area		
				Hectare	Are	Square Metre
	183		23	0	08	60
			18	0	02	78
			22	0	02	53
			19	0	09	61
			12	0	12	65
			9	0	03	03
			11	0	00	25
			10	0	09	61
			1	0	12	65
	179	21		0	04	04
	182	5		0	00	25
	180	25		0	08	60
			16	0	12	65
			15	0	04	30
			14	0	08	09
			7/1	0	03	79
			7/2	0	08	60
			4	0	08	60
			3	0	03	79
	145	24		0	00	25
		23		0	12	39
		18		0	09	86
		19/1		0	02	02
		19/2		0	00	25
		13		0	00	50
		12		0	11	89
		9		0	03	79
		253/2		0	01	51
		254		0	00	50
		808		0	01	01
2. BASEDA	90	48	9	0	08	34
			10	0	01	01
			2	0	01	01
			1	0	11	63
	46	21		0	12	39
		20		0	02	02

Name of Village	Hadbast No.	Mustatil No.	Khasra / Killa No.	Hectare	Area	
					45	25
			45	0	00	25
			16/1	0	03	03
			16/2	0	02	27
			14	0	00	25
			15	0	15	18
			6	0	03	79
			7	0	08	60
			4/1	0	00	25
			4/2	0	12	39
	40	24/1		0	01	51
		24/2		0	04	04
			23	0	07	08
			18	0	12	65
			13	0	07	59
			12	0	05	06
			9/1	0	01	51
			9/2	0	11	89
			2/1	0	02	27
			2/2	0	03	03
			1	0	07	84
	32	21		0	12	90
		20/1		0	00	50
		20/2		0	01	26
	31	25		0	00	25
		16/1		0	04	04
		16/2		0	04	80
			15	0	12	14
			14	0	01	01
			7/1	0	08	09
			7/2	0	02	53
			6/2	0	00	50
			4/1	0	09	36
			3	0	01	77

Name of Village	Hadbast No.	Mustatil No.	Khasra / Killa No.	Area		
				Hectare	Are	Square Metre
		30	23	0	12	90
			24	0	00	25
			18	0	06	57
			19	0	06	57
			12	0	04	04
			61	0	02	27
			63	0	00	75
			74	0	01	26
			79	0	00	75
			107	0	01	51
			119	0	02	02
3. MAHAWATI	89	39	12/1	0	00	25
			12/2	0	00	50
			12/3	0	03	54
			12/4	0	01	01
			12/5	0	00	50
			12/6	0	03	79
			9	0	04	04
			10/1	0	05	56
			10/4	0	03	28
			1	0	10	37
	40	5	0	03	03	
	37	25	0	14	42	
		16	0	02	02	
		24	0	00	25	
		17/1	0	09	36	
		17/2	0	03	54	
		14	0	06	07	
		13/1	0	06	83	
		13/2	0	01	51	
		8	0	09	61	
		9	0	00	50	
		2	0	13	91	

Name of Village	Hadbast No.	Mustatil No.	Khasra / Killa No.	Area		
				Hectare	Are	Square Metre
			1/2	0	00	50
	22	22	0	01	51	
			21/1/1	0	08	09
			21/1/2	0	00	50
			21/2	0	04	80
			20	0	05	81
	23	16	0	08	85	
		15	0	07	33	
		14/1	0	07	08	
		14/2	0	05	81	
		7	0	01	26	
		8/1	0	08	60	
		8/2	0	06	07	
		13	0	00	50	
		3	0	04	04	
		2/1	0	04	04	
		2/2	0	03	28	
		2/3	0	00	50	
		2/4	0	01	01	
	18	22/2/1	0	03	28	
		22/2/2	0	01	77	
		22/1	0	04	55	
		19	0	00	50	
		21/1	0	00	25	
		20	0	11	38	
		11/1	0	07	59	
		11/2	0	00	25	
		10	0	00	25	
	17	15/1	0	01	26	
		6/1	0	13	15	
		6/2	0	00	50	
		5	0	02	53	
		7/1	0	00	25	

Name of Village	Hadbast No.	Mustatil No.	Khasra / Killa No.	Area		
				Hectare	Are	Square Metre
			4	0	11	13
		6	24	0	07	84
			23	0	06	83
			18	0	11	63
			19	0	00	50
			104	0	02	27
			110	0	04	55
			162	0	01	26
			165	0	00	25
			166	0	00	25
			178	0	01	01
			352	0	04	30
			408	0	01	51
4. DEHRA	85	102	13	0	01	01
			12	0	16	69
			11	0	00	25
			9	0	02	27
			10	0	12	14
			1	0	05	81
		103	5	0	07	84
		88	25	0	10	87
			16	0	00	25
			24/2	0	02	78
			17	0	11	63
			14	0	01	26
			18	0	00	50
			13	0	12	65
			8/1	0	02	78
			8/2	0	04	55
			9	0	06	57
			2	0	12	39
			1	0	01	51

Name of Village	Hadbast No.	Mustatil No.	Khasra / Killa No.	Area		
				Hectare	Are	Square Metre
	80	22	0	00	50	
		21	0	13	66	
		20	0	05	31	
	81	16	0	08	60	
		15/1	0	05	06	
		15/2	0	06	07	
		14	0	01	51	
		6	0	00	25	
		7	0	13	91	
		4/1	0	00	25	
		4/2	0	04	04	
		3	0	09	86	
	62	23/1	0	01	77	
		23/2	0	06	57	
		22/1	0	02	78	
		18/2	0	00	25	
		19	0	14	42	
		12	0	03	54	
		20/1	0	00	25	
		11	0	10	87	
		10	0	09	61	
	61	6	0	04	55	
		5	0	13	91	
		4	0	00	25	
	56	25	0	01	51	
		24/2	0	11	63	
		17/3	0	07	84	
		18	0	06	57	
		13	0	13	66	
		12/1	0	00	75	
		8	0	01	26	
		9	0	13	15	
		2/1	0	06	07	

Name of Village	Hadbast No.	Mustatil No.	Khasra / Killa No.	Area		
				Hectare	Are	Square Metre
			1	0	08	09
35	21/1		35	0	00	75
			21/2	0	01	01
			21/3	0	04	04
			29	0	03	28
			20	0	00	25
34	25		34	0	00	50
			16	0	13	15
			15	0	04	30
			14/1	0	07	59
			14/2	0	00	75
			7	0	12	14
			8	0	02	02
			4	0	00	25
			3/1	0	02	53
			3/2	0	11	38
31	22/1		31	0	06	07
			22/2	0	02	53
			23/1	0	00	25
			23/2	0	05	56
			19/1	0	06	07
			19/2	0	05	81
			12/2	0	00	25
			20/1/1	0	02	27
			11/1	0	06	07
			11/2	0	06	57
			10	0	03	28
32	6		32	0	08	85
			5	0	08	60
			4	0	04	04
8	24/1		8	0	05	56
			24/2	0	01	77
			121	0	04	55

Name of Village	Hadbast No.	Mustatil No.	Khasra / Killa No.	Area		
				Hectare	Are	Square Metre
			122	0	02	27
			123	0	03	03
			193	0	01	26
			229	0	01	01
			637	0	01	26
			638	0	01	01
			653	0	01	26
			661	0	02	53
			667	0	01	51
			726	0	01	01
5. DIKADLA	81	128	24	0	07	84
			17/2/1/1	0	00	25
			17/2/1/2	0	00	25
			17/2/2/1	0	01	01
			17/2/2/2	0	01	77
			18	0	10	62
			13	0	09	61
			12	0	04	30
			9/1	0	08	09
			9/2	0	05	31
			2/1	0	00	50
			2/2	0	01	01
			10/1	0	00	25
			1	0	11	38
	106	21	0	09	36	
	105	25	0	03	28	
		16	0	13	66	
		26	0	00	25	
		17	0	00	25	
		15	0	02	53	
		14	0	11	38	
		7	0	06	07	
		4	0	01	77	

Name of Village	Hadbast No.	Mustatil No.	Khasra / Killa No.	Area		
				Hectare	Are	Square Metre
			8	0	04	30
			3	0	13	91
			2	0	00	25
	103	23	0	02	53	
		22/1	0	09	10	
		22/2	0	02	27	
		19	0	04	55	
		140	0	01	77	
		162	0	01	26	
		546/1	0	01	51	
6. JAURASI SURF KHAS	72	124	19	0	04	55
			20	0	04	55
			11	0	13	66
			10	0	02	78
	125	15/2	0	00	25	
		6/1/1	0	04	04	
		6/1/2	0	01	51	
		6/2/1	0	04	04	
		6/2/2	0	00	50	
		5/1	0	10	87	
		4	0	02	78	
	121	24	0	13	40	
		17	0	03	79	
		18	0	09	86	
		25/1	0	00	25	
		13/1	0	05	81	
		13/2	0	04	30	
		12/1	0	02	78	
		8	0	00	25	
		9/1	0	12	65	
		9/2	0	00	75	
		2	0	03	54	

Name of Village	Hadbast No.	Mu st atil No.	Khasra / Killa No.	Area		
				Hectare	Are	Square Metre
			1	0	08	34
114		21	0	12	14	
		20	0	04	04	
		1/2	0	00	25	
		10	0	01	51	
		11/1	0	02	53	
		11/2	0	00	25	
115		25	0	01	51	
		16	0	07	08	
		15/2	0	08	60	
		6/1	0	09	61	
		5/1	0	01	01	
		5/2/2	0	04	30	
108		25	0	11	13	
		16	0	13	91	
		15/1	0	01	51	
		17/1	0	00	25	
		14/1	0	09	10	
		14/2	0	03	54	
		7/1	0	01	26	
		7/2	0	05	56	
		8	0	07	59	
		3	0	11	63	
		2/1	0	00	25	
		2/2	0	02	27	
100		23	0	00	25	
		22	0	14	16	
		19	0	03	54	
		20	0	09	36	
		21	0	00	25	
		11/1	0	06	32	
		27	0	03	54	

Name of Village	Hadbast No.	Mustatil No.	Khasra / Killa No.	Area		
				Hectare	Are	Square Metre
		101	15	0	06	07
			6/1	0	10	62
			6/2	0	02	53
			5/1	0	01	01
			7	0	00	75
			4/1	0	02	27
			4/2	0	08	85
	88	24/1	0	05	06	
		23	0	09	36	
		18/1	0	01	77	
		18/2	0	09	10	
		19/1/1	0	03	54	
		19/1/2	0	00	25	
		12	0	13	15	
		9	0	01	77	
		10/1	0	12	39	
		10/2	0	00	25	
		11	0	00	25	
		1/1	0	06	57	
		1/2	0	00	50	
	87	5	0	07	33	
	81	25	0	12	65	
		24	0	01	77	
		16	0	00	25	
		17	0	14	16	
		14	0	03	54	
		13	0	10	87	
		8/1	0	00	25	
		8/2	0	06	07	
		9	0	06	32	
		2	0	10	87	
		1	0	04	55	
	63	21	0	11	89	

Name of Village	Hadbast No.	Mustatil No.	Khasra / Killa No.	Area		
				Hectare	Are	Square Metre
62	62	25/1	0	02	02	
		25/2	0	02	78	
		16/1	0	01	77	
		16/2	0	10	62	
		17/1	0	02	02	
		17/2	0	01	77	
		17/3	0	00	25	
		14/1	0	00	25	
		14/2	0	12	39	
		13	0	03	54	
		8	0	11	63	
		9	0	03	54	
		3/2	0	00	25	
57	57	21	0	12	65	
	58	25/1/1	0	02	27	
		25/1/2	0	00	75	
		25/2/1	0	00	25	
		25/2/2	0	00	50	
		16/1	0	04	80	
		16/2/1	0	05	81	
		16/2/2	0	00	25	
		17/1	0	02	53	
		17/2	0	00	25	
		14	0	11	63	
		7	0	11	63	
		4	0	07	59	
32		3/1	0	00	25	
		3/2	0	04	04	
	32	24/1	0	00	25	
		23	0	08	34	
		144/1	0	05	56	

Name of Village	Hadbast No.	Mustatil No.	Khasra / Killa No.	Area		
				Hectare	Are	Square Metre
			152	0	03	54
			198	0	01	01
			199	0	01	01
			727	0	03	28
			758	0	01	26
			760	0	01	51
			762	0	00	50
			779	0	01	77
			798/1	0	00	75
			798/3	0	01	51
7. JAURASI KHALSA	74	93	22/2/2	0	00	50
			18/1	0	08	34
			18/2	0	03	54
			13/1	0	07	33
			13/2	0	04	04
			8/2	0	07	33
			9	0	04	04
			3/1	0	00	25
			2	0	11	13
	84		22/1	0	04	80
			22/2	0	07	59
			19/2	0	04	04
			20/1	0	05	31
			20/2	0	01	77
	83		16/1	0	09	36
			16/2	0	3	79
			15	00	2	02
			17	00	2	78
			108	00	05	06
			124	00	01	01
			126	00	03	28
8. GARHI CHHAJU	73	85	14/1	00	10	12
			14/2	00	01	01
			17	00	00	25

Name of Village	Hadbast No.	Mustatil No.	Khasra / Killa No.	Area		
				Hectare	Are	Square Metre
			13	0	03	28
			7	0	00	25
			8	0	13	15
			3	0	00	25
			9/2	0	00	75
			2	0	14	42
			1/1	0	00	75
80	22			0	00	75
			21/1	0	04	04
			21/2	0	08	09
			20	0	02	53
81	25/1			0	00	25
			16/1	0	07	84
			16/2	0	05	31
			15	0	03	28
			14/1	0	00	25
			14/2	0	10	62
			7	0	06	57
			8/1	0	05	81
			8/2/1	0	02	78
			8/2/2	0	00	25
			3	0	09	10
			2	0	06	32
71	22			0	10	12
			21	0	03	03
			20	0	12	90
			11/1	0	00	25
70	16			0	01	01
			15	0	00	75
			115	0	02	27
			148	0	01	01
			381	0	03	79
			383	0	01	77

Name of Village	Hadbast No.	Mustatil No.	Khasra / Killa No.	Area		
				Hectare	Are	Square Metre
9. KARHANS	69	110	15	0	10	62
			14	0	00	25
			6	0	02	27
			7	0	11	89
			4/1	0	00	25
			4/2	0	08	09
			3	0	04	55
	106		23	0	13	66
			18	0	02	27
			22	0	00	25
			19	0	12	14
			12/2	0	08	85
			11/1	0	01	01
			11/2	0	04	30
			10/1	0	02	78
			10/2	0	10	87
			1	0	01	51
	107		6	0	00	25
			5/1	0	04	55
			5/2	0	05	06
	99		25	0	07	08
			24	0	09	86
			17	0	06	07
			18/1	0	07	33
			18/2		02	27
			13/1	0	04	55
			12/1	0	08	09
			12/2	0	04	30
			9/2	0	03	03
			10	0	13	91
			1	0	02	53

Name of Village	Hadbast No.	Mustatil No.	Khasra / Killa No.	Area		
				Hectare	Are	Square Metre
	98	6	0	00	25	
		5	0	13	91	
		4	0	00	50	
	90	25	0	01	01	
		24	0	14	16	
		17	0	00	25	
		23/1	0	01	01	
		18	0	14	42	
		19	0	02	27	
		13/1	0	00	25	
		12	0	13	91	
		11	0	03	03	
		9	0	00	25	
		10/1	0	05	56	
		10/2	0	06	83	
	91	6/1	0	01	26	
		6/2	0	02	27	
		5/1	0	02	53	
		5/2	0	08	60	
		4/1	0	04	80	
	77	24/2	0	09	86	
		23	0	07	08	
		18/2	0	08	34	
		19	0	08	60	
		12	0	05	81	
		11	0	09	86	
		10	0	06	32	
	76	6/1	0	08	09	
		6/2	0	02	53	
		5	0	05	31	
		4	0	10	62	
	70	24	0	03	79	
		23	0	13	15	

Name of Village	Hadbast No.	Mustatil No.	Khasra / Killa No.	Area		
				Hectare	Are	Square Metre
			18/1	0	00	25
			18/2	0	02	02
			22	0	00	25
			19	0	14	42
			12	0	02	27
			11/1	0	03	79
			11/2	0	09	36
			10	0	01	77
54		24/2		0	00	75
		23		0	01	01
71		3		0	10	87
		2		0	02	27
		1		0	09	10
		15		0	00	25
		6		0	09	36
		5		0	00	50
		7/2		0	00	25
		4		0	14	92
72		5		0	03	79
		6/1		0	05	81
		7/1		0	12	14
		7/2		0	00	50
		8		0	12	65
		9		0	09	10
		12		0	04	55
		10		0	00	25
		11		0	13	15
73		15/1		0	05	31
		15/2		0	00	25
		16		0	00	75
		14		0	01	77
30		4		0	04	80

Name of Village	Hadbast No.	Mustatil No.	Khasra / Killa No.	Area			
				13	24/1	Hectare	Are
			0	0	02	02	02
			24/2	0	06	57	
			23/2	0	04	55	
			18	0	13	91	
			13	0	02	78	
			19	0	00	25	
			12/2	0	10	87	
			9	0	11	38	
			2	0	08	85	
			1/1	0	00	25	
11	21		0	06	07		
	22/1		0	04	04		
	119		0	04	55		
	121		0	07	08		
	125		0	11	13		
	129		0	03	03		
	131		0	02	27		
	136		0	01	01		
	172		0	02	53		
	174		0	01	01		
	176		0	01	01		
	183		0	01	01		
	351		0	06	32		
	363		0	01	26		
	393		0	01	26		
	398		0	01	26		
	399		0	01	26		
	402		0	01	26		
	403		0	01	26		
	404		0	05	06		
10. MANANA	33	17	0	09	86		
		13	0	02	27		
		18	0	11	63		

Name of Village	Hadbast No.	Mustatil No.	Khasra / Killa No.	Area		
				Hectare	Are	Square Metre
	19		0	01		77
	12		0	11		13
	11		0	10		62
	10		0	06		57
34	6		0	08		85
	5		0	08		85
	4		0	05		81
31	24		0	10		62
	23		0	05		06
	18		0	12		14
	19		0	03		28
	13		0	00		25
	12		0	14		42
	9		0	00		50
	11		0	01		01
	10		0	14		42
	1		0	03		03
30	5		0	11		89
	6		0	00		25
17	25/1		0	05		81
	25/2		0	00		50
	24/1		0	08		85
	17		0	09		86
	18		0	05		06
	13		0	13		40
	12		0	01		77
	8		0	00		25
	9		0	14		67
	2		0	01		51
	10		0	00		25
	1		0	13		66
14	21		0	05		31

Name of Village	Hadbast No.	Mustatil No.	Khasra / Killa No.	Area		
				Hectare	Are	Square Metre
	13	25	0	08	85	
		16	0	10	87	
		17	0	03	28	
		15	0	00	25	
		14	0	14	16	
		13	0	00	25	
		7	0	02	53	
		8	0	11	89	
		3	0	07	84	
		2	0	06	83	
4	22	0	12	90		
	21	0	01	77		
	19	0	00	50		
	20	0	13	66		
	11	0	06	57		
5	15/2	0	07	59		
	6	0	13	15		
	7	0	01	01		
	5	0	00	75		
	4	0	09	36		
	248	0	01	26		
	250	0	00	50		

[F. No. L-14014/10/06-G.P.]
S. B. MANDAL Under Secy.

नई दिल्ली, 17 मई, 2006

ना. आ. 1966.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मेसर्स रिलाएंस गैस पाइपलाइन्स लिमिटेड पूर्व में मेसर्स गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कंपनी लिमिटेड की संप्रवर्तक कंपनी मेसर्स रिलाएंस इंडस्ट्रीज लिमिटेड के गोदा में उत्तरी/दक्षिणी अपतट में खोज ~~गलौरी~~ और आन्ध्र प्रदेश में संरचनाओं से आन्ध्र प्रदेश राज्य में मेदक जिले के विभिन्न उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए मेसर्स रिलाएंस गैस पाइपलाइन्स लिमिटेड द्वारा एक पाइपलाइन विछाई जानी चाहिये;

और केन्द्रीय सरकार को उक्त पाइपलाइन विछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसके भीतर उक्त पाइपलाइन विछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन जारी की गई अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाई जाने के लिए उपयोग के अधिकार के अर्जन के संबंध में श्री पी. बुच्चारेडडी, सक्षम प्राधिकारी, रिलाइंस गैस पाइपलाइन्स लिमिटेड, 403, 'सी' एवरेस्ट ब्लाक, आदित्या एन्कलेब, अमीरपेट, हैदराबाद -500038, आंध्रप्रदेश राज्य को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची					
गांव का नाम	सर्वे नंबर	सब-डिविजन नंबर	आर और यू अर्जित करने के लिए श्रेत्रफल		
			हेक्टर	एक	सि एक
1	2	3	4	5	6
मंडल ३ जिल्लारम		जिल्ला ३ मेदक			राज्य ३ आन्ध्रा प्रदेश
1) कोरलाकुन्टा	29*	-	0	21	10
2) नल्लूरु	231*	2	0	28	85
	231*	3	0	22	05
	243*	-	0	55	55
3) माधवरमु	37*	-	0	14	90
मंडल ४ पठानचेल्लु		जिल्ला ४ मेदक			राज्य ४ आन्ध्रा प्रदेश
1) ऐनोल	38*	-	0	20	70
	39*	-	3	54	65
	86*	-	0	43	10
मंडल ५ कोण्डापूर		जिल्ला ५ मेदक			राज्य ५ आन्ध्रा प्रदेश
1) तोगरपल्ली	56	-	0	06	10
2) गारकुर्ति	58*	-	0	75	70
	66*	-	0	68	55
	73*	-	0	35	30

* का.आ. 211, दिनांक: 22-01-2002 द्वारा पी.एम.पी. एक्ट, 1962 की धारा 3 की उपधारा (1) के अन्तर्गत सूचित किये गये

[फा. सं. एल-14014/2/02-जी.पी.]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 17th May, 2006

S. O. 1966.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of the natural gas from the exploration blocks in the Northern/Southern offshore of Goa and structures in Andhra Pradesh of M/s Reliance Industries Limited, the promoter company of M/s Reliance Gas Pipelines Limited, formerly known as M/s Gas Transportation and Infrastructure Company Limited to the various consumers of Medak District in the State of Andhra Pradesh, a pipeline should be laid by M/s Reliance Gas Pipelines Limited; And whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in lands under which the said pipeline is proposed to be laid and which are described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962(50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification as published in the Gazette of India under sub-section (1) of section 3 of the said Act, are made available to the general public, object in writing to the acquisition of right of the user therein for laying the pipeline under the land to Shri P. Butcha Reddy, Competent Authority, Reliance Gas Pipelines Limited, 403, 'C'-Everest Block, Aditya Enclave, Ameerpet, Hyderabad – 500 038, Andhra Pradesh State.

Schedule

Village	Survey No.	Sub-Division No.	Area to be acquired for ROU		
			Hectare	Are	C-Are
1	2	3	4	5	6
Mandal : Jinnaram			District : Medak		
1. Korakunta	29*	-	0	21	10
2. Naltoor	231*	2	0	28	85
	231*	3	0	22	06
	243*	-	0	66	55
3. Madhavaram	37*	-	0	14	90
Mandal : Patancheruvu			District : Medak		
1. Inole	38*	-	0	20	70
	39*	-	3	54	65
	86*	-	0	43	10
Mandal : Kondapur			District : Medak		
1. Thogarpalli	56	-	0	06	10
2. Garakurthi	58*	-	0	75	70
	66*	-	0	68	55
	73*	-	0	35	30

* Survey Nos. notified vide S.O. 211 dated 22-01-2002 u/s 3(1) of P&MP Act 1962.

[F. No. L-14014/2/02-G.P.]

S. B. MANDAL Under Secy.

नई दिल्ली, 17 मई, 2006

का. आ. 1967.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 338 तारीख 17/01/2006 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गेल (इण्डिया) लिमिटेड द्वारा मध्य प्रदेश राज्य में जगोटी-पीथमपुर आर-एलएनजी पाइपलाइन परियोजना के माध्यम से प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी:

और उक्त राजपत्रित अधिसूचनाओं की प्रतियां जनता को तारीख 24/03/2006 को उपलब्ध कराई गई थीं;

और पाइपलाइन बिछाने के सम्बन्ध में जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें अननुज्ञात कर दिया गया है;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उस में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निदेश देती है कि पाइपलाइन बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को, केन्द्रीय सरकार में निहित होने के बजाए, पाइपलाइन बिछाने का प्रस्ताव करने वाली गेल (इण्डिया) लिमिटेड में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिरोपित निबंधनों और शर्तों के अधीन रहते हुए, सभी लिंगमों से मुक्त, गेल (इण्डिया) लिमिटेड में निहित होगा।

अनुसूची

जिला	तहसील	गाँव	सर्व न.	आर.ओ.यू. अजित करने के लिए क्षेत्रफल (हैक्टेग्रे में)
उज्जैन	उज्जैन	मोरुखेडी	3	0.03
			26	0.03
			34	0.13
			35	0.10
			36	0.07
			30	0.20
			38	0.37
			66	0.03
			65	0.60
			77	0.05
			78	0.01
			79	0.31
			81	0.12
			83	0.38
			84/2	0.06
			85	0.03
			86	0.15
			33	0.01
			योग	2.68
			जेवन्तपुर	
			1	0.07
			7	0.04
			12	0.16
			13/1/2	0.07
			13/1/4	0.08
			13/1/6	0.11
			13/2	0.09
			14	0.21
			15/1	0.10
			15/2	0.10
			16	0.25
			18/1/1	0.10
			18/2/2	0.16
			18/2	0.24
			19/2	0.39
			19/1	0.01
			20	0.10
			56/1	0.12
			58/2	0.11

जिला	तहसील	गाँव	सर्व. न.	आर.ओ.यू. अंजित करने के लिए क्षेत्रफल (हेक्टेयर में)
उज्जैन	उज्जैन	जेवन्तपुर	58/1	0.22
			56/3	0.02
			57	0.21
			62	0.17
			67	0.06
			69	0.66
			78/1	0.10
			योग	3.95

[फा. सं. एल-14014/1/05-जी.पी.]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 17th May, 2006

S.O. 1967.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. No. 338 dated 17/01/2006 issued under sub -section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of natural gas from Jagoti-Pithampur R-LNG Pipeline Project in the State of Madhya Pradesh, a pipeline should be laid by the GAIL (India) Limited;

And whereas copies of the said Gazette notifications were made available to the public on 24/03/2006;

And whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the competent authority;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline.

And, further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the land for laying the pipeline shall, instead of vesting in the Central Government, vest, on the date of the publication of the declaration, in the GAIL (India) Limited, proposing to lay the pipeline and thereupon the right of such user in the land shall, subject to the terms and conditions so imposed, vest in the GAIL (India) Limited, free from all encumbrances.

Schedule

District	Tehsil	Village	Survey No.	Area to be acquired for ROU (In Hectare)
Ujjain	Ujjain	Morukheri	3	0.03
			26	0.03
			34	0.13
			35	0.10
			36	0.07
			30	0.20
			38	0.37
			66	0.03
			65	0.60
			77	0.05
			78	0.01
			79	0.31
			81	0.12
			83	0.38
			84/2	0.06
			85	0.03
			86	0.15
			33	0.01
			Total	2.68
	Jaiwanthpur	Jaiwanthpur	1	0.07
			7	0.04
			12	0.16
			13/1/2	0.07
			13/1/4	0.08
			13/1/6	0.11
			13/2	0.09
			14	0.21
			15/1	0.10
			15/2	0.10
			16	0.25
			18/1/1	0.10
			18/2/2	0.16
			18/2	0.24
			19/2	0.39
			19/1	0.01
			20	0.10
			56/1	0.12
			58/2	0.11

District	Tehsil	Village	Survey No.	Area to be acquired for ROU (In Hectare)
Ujjain	Ujjain	Jaiwanthpur	58/1	0.22
			56/3	0.02
			57	0.21
			62	0.17
			67	0.06
			69	0.66
			78/1	0.10
			Total	3.95

[F. No. L-14014/1/05-G.P.]

S. B. MANDAL Under Secy.

कोयला मंत्रालय

नई दिल्ली, 12 मई, 2006

का. आ. 1968.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम 1957 (1957 का 20) की धारा 4 की उपधारा (1) के अधीन जारी, भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (ii) त्रै तारीख 26 मार्च, 2005 में पृष्ठ 2935 से 2937 पर प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का. आ. सं. 1106, तारीख 18 मार्च, 2005 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में जिसका माप 786.00 हेक्टर (लगभग) या 1942.21 एकड़ (लगभग) है, कोयले का पूर्वक्षण करने के अपने आशय की सूचना दी थी :

और केन्द्रीय सरकार को यह समाधान हो गया है, कि इस अधिसूचना से संलग्न अनुसूची में वर्णित उक्त भूमि के एक भाग में कोयला अभिप्राप्य है ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, अर्जन करने के अपने आशय की सूचना देती है:-

(क) इससे संलग्न अनुसूची 'क' में वर्णित 529.24 हेक्टर (लगभग) या 1307.75 एकड़ (लगभग) माप वाली भूमि में या उन पर के सभी अधिकार ;

(ख) इससे उपावद्ध अनुसूची 'ख' में वर्णित 24.34 हेक्टर (लगभग) या 60.14 एकड़ (लगभग) माप वाली भूमि में खनिजों के खनन, खदान, बोर करने, उनकी खुदाई और तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकार ;

टिप्पण - (1) : इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक सं. सी.- 1 (ई) 111/एफयूआर/739- 1105 तारीख 16 नवम्बर, 2005 का निरीक्षण कलेक्टर, नागपुर (महाराष्ट्र) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता - 700 001 के कार्यालय में या वेस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग) कोल इस्टेट, सिविल लाईन्स, नागपुर - 440 001 (महाराष्ट्र) के कार्यालय में किया जा सकता है ।

टिप्पण - (2) : उक्त अधिनियम की धारा 8 के उपबंधों की ओर ध्यान आकृष्ट किया जाता है, जिसमें निम्नलिखित उपबंध है:-

अर्जन के प्रति आक्षेप -

8. (1) कोई व्यक्ति, जो किसी भूमि में, जिसकी बाबत धारा 7 के अधीन अधिसूचना निकाली गई है, हितबद्ध है, अधिसूचना के निकाले जाने से तीस दिन के भीतर संपूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किन्हीं अधिकारों का अर्जन किए जाने के बारे में आपत्ति कर सकेगा।

स्पष्टीकरण:- इस धारा के अर्थान्तर्गत यह आपत्ति नहीं मानी जाएगी, कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं खनन संक्रियाएं करना चाहता है और ऐसी संक्रियाएं केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए।

(2) उपधारा (1) के अधीन प्रत्येक आपत्ति सक्षम प्राधिकारी को लिखित रूप में की जाएगी और सक्षम प्राधिकारी आपत्तिकर्ता को स्वयं सुने जाने का या विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को सुनने के पश्चात् और ऐसी अतिरिक्त जांच, यदि कोई हो, करने के पश्चात् जो वह आवश्यक समझता है, वह या तो धारा 7 की उपधारा (1) के अधीन अधिसूचित भूमि के या ऐसी भूमि में या उस पर के अधिकारों के संबंध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आपत्तियों पर अपनी सिफारिशों और उसके द्वारा की गई कार्यवाही के अभिलेख सहित विभिन्न रिपोर्ट केन्द्रीय सरकार को उसके विनिश्चय के लिए देगा।

(3) इस धारा के प्रयोजनों के लिए वह व्यक्ति किसी भूमि में हितबद्ध समझा जाएगा, जो प्रतिकर में हित का दावा करने का हकदार होता, यदि भूमि या किसी ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर दिए जाते हैं।

टिप्पणि - (3) : केन्द्रीय सरकार ने भारत सरकार के राजपत्र भाग 2, खंड 3, उपखंड (ii) तारीख 11 जून, 1983 में प्रकाशित अधिसूचना सं. का.आ. 2519 तारीख 27 मई, 1983 द्वारा अधिनियम के अधीन सक्षम प्राधिकारी के रूप में कोयला नियंत्रक 1 काउंसिल हाउस स्ट्रीट, कोलकाता 700001 नियुक्त किया है।

अनुसूची "क"
नया मकरधोकरा - 1 विवृत्त खंड
उमरेर क्षेत्र जिला नागपुर (महाराष्ट्र)

(रिखांक सं.सी - 1(ई) ||| /एफयूआर/739- 1105 तारीख 16 नवम्बर, 2005)

सभी अधिकार

क्रम संख्या	ग्राम का नाम	पटवारी सर्किल संख्या	तहसील	जिला	निजी क्षेत्र	सरकारी क्षेत्र	कुल क्षेत्र हेक्टर में	टिप्पणियां
1	कान्हवा	22	उमरेर	नागपुर	79.40	0.77	80.77	भाग
2	शिरपुर	22	उमरेर	नागपुर	290.86	18.63	309.49	भाग
3	कटारा	22	उमरेर	नागपुर	107.80	-	107.80	भाग
4	खुर्सापार	23	उमरेर	नागपुर	30.96	0.82	31.78	भाग

कुल क्षेत्र:- 529.24 हेक्टर (लगभग) या
1307.75 एकड़ (लगभग)

ग्राम कान्हवा में अर्जित किए जाने वाले प्लॉट संख्यांक:

6, 7, 8, 13, 14/1- 14/2, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25/1- 25/2, 26, 27/1- 27/2, 28, 29, 34/1- 34/2- 34/3, 38, 39, 40, 41, 42, 44/1- 44/2, 45, 46, 47, 48, 49/1- 49/2, 50, 75, 76, 77, 82, 83, 84, 87/1- 87/2- 87/3, 88/1- 88/2- 88/3- 88/4, 89, सड़क (भाग).

ग्राम शिरपुर में अर्जित किए जाने वाले प्लॉट संख्यांक:

6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 25, 26, 39, 40, 41, 42, 43, 44, 45, 46/1- 46/2- 46/3, 47, 48/1- 48/2, 49, 50/1क- 50/1ख- 50/2, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61/1- 61/2- 61/3- 61/4- 61/5- 61/6- 61/7- 61/8, 62, 63, 64/1- 64/2- 64/3, 65, 66, 67, 68, 69, 70/1- 70/2- 70/3, 71, 72/1- 72/2, 75/1- 75/2, 76/1- 76/2, 77/1- 77/2, 78, 82, 83/1- 83/2, 84/1- 84/2, 120, 121/1- 121/2, 122, 123, 124, 125, 126, 127/1- 127/2, 128/1- 128/2- 128/3, 129/1- 129/2- 129/3, 130/1- 130/2- 130/3- 130/4- 130/5, 131/1- 131/2- 131/3, 132/1- 132/2, 133/1- 133/2, 134, 135, 136, 137, 150, 151, 152, 153, 154/1- 154/2, 155/1- 155/2, 156/1- 156/2- 156/3- 156/4, 157, 158, 159/1- 159/2- 159/3- 159/4, 160, 161, 162, 163, 164, 165, 166, 167/1- 167/2क- 167/2ख, 168/1- 168/2, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185/1- 185/2, 186, 187, 188/1- 188/2, 189/1- 189/2, 190, 191, 192, 193, 194/1- 194/2, 195, 196/1- 196/2क 196/2ख, 197/1- 197/2- 197/3, 198/1- 198/2, 199/1- 199/2, 200, 201, 203/1- 203/2, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228/1- 228/2, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247/1- 247/2, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 335, 336, 340, 341, 342, 343, 344, 345, 346, सड़क (भाग), नाला (भाग).

ग्राम कटारा में अर्जित किए जाने वाले प्लॉट संख्यांक:

34/1- 34/2- 34/3- 34/4, 35/1क- 35/1ख- 35/2- 35/3, 36/1- 36/2, 40/1- 40/2, 41/1- 41/2- 41/3- 41/4, 42/1क- 42/2क- 42/1ख- 42/2ख- 42/3क- 42/3ख, 43/1क- 43/1ख- 43/2, 44, 45/1- 45/2- 45/3- 45/4- 45/5, 46/1- 46/2- 46/3- 46/4, 47/1- 47/2, 48/1- 48/2- 48/3, 49/1- 49/2, 50/1- 50/2, 51/1- 51/2- 51/3- 51/4, 52/1- 52/2, 53/1क- 53/1ख- 53/2- 53/3, 55/1- 55/2, 56/1- 56/2, 57/1क- 57/1ख- 57/1ग- 57/2क- 57/3क- 57/3ख 1- 57/3ग1- 57/3क2- 57/3क3- 57/3ख 2- 57/2ख- 57/2ग 57/3ग 2, 58/1- 58/2, 98/1- 98/2, 99/1- 99/2- 99/3- 99/4, 100/1क- 100/1ख- 100/2- 100/3, 101/1- 101/2- 101/3- 101/4- 101/5- 101/6- 101/7- 101/8- 101/9- 101/10, 102/1क- 102/1ख- 102/2क- 102/2ख, 103/1- 103/2, 104, 105, 106, 107/1- 107/2, 108, 112, 113/1- 113/2- 113/3- 113/4, 133, 134, 135, 136, 137, 138, 139, 140, 141.

ग्राम खुर्सापार में अर्जित किए जाने वाले प्लॉट संख्यांक:

76, 78/1- 78/2- 78/3, 79, 80/1- 80/2, 89, 90, 91/1- 91/2- 91/3- 91/4, 92, 93, 94, सड़क (भाग).

सीमा वर्णनः

क-ख-ग-घः

रेखा 'क' बिन्दु से आरम्भ होती है और ग्राम कटारा से गुजरती हुई प्लॉट संख्यांक 36/1- 36/2, 35/1क- 35/1ख- 35/2- 35/3, 133, 34/1- 34/2- 34/3- 34/4, 48/1- 48/2- 48/3, 49/1- 49/2, 50/1- 50/2, 53/1क- 53/1ख- 53/2- 53/3, 55/1- 55/2, 58/1- 58/2, 57/1क- 57/1ख- 57/1ग- 57/2क- 57/3क1- 57/3ख1- 57/3ग1- 57/3क3- 57/3ख2- 57/2ख- 57/3क2- 57/2ग- 57/3ग2, 99/1- 99/2- 99/3- 99/4, 141, 98/1- 98/2 की बाहरी सीमा के साथ जाती हुई ग्राम कटारा और शिरपुर की सम्मिलित ग्राम सीमा पर बिन्दु 'घ' पर मिलती है।

घ-ड-चः

रेखा ग्राम शिरपुर से होकर जाती हुई प्लॉट संख्या 63 की बाह्य सीमा के साथ जाती हुई नाला पार करती है और प्लॉट संख्यांक 72/1- 72/2, 75/1- 75/2, 78, 82, 83/1- 83/2, 84/1- 84/2 की बाह्य सीमा के साथ गुजरती हुई सड़क पार करती है और प्लॉट संख्यांक 126, 125, 124, 123, 122, 121/1- 121/2, 134, 135, 136, 137 की बाह्य सीमा के साथ गुजरती हुई बिन्दु 'च' पर मिलती है।

च-छ-जः

रेखा ग्राम शिरपुर से होकर सड़क की बाह्य सीमा तथा ग्राम शिरपुर एवं कानव्हा की सम्मिलित ग्राम सीमा के साथ जाती हुई बिन्दु 'ज' पर मिलती है।

ज-झ-जः

रेखा ग्राम कानव्हा से होकर प्लॉट संख्यांक 88/1- 88/2- 88/3- 88/4, 87/1- 87/2- 87/3 की बाह्य सीमा के साथ जाती हुई सड़क पार करती है और प्लॉट संख्यांक 84, 83, 82, 89, 77, 76, 75 की बाह्य सीमा से गुजरती हुई फिर सड़क पार करती है और प्लॉट संख्यांक 87/1- 87/2- 87/3, 88/1- 88/2- 88/3- 88/4 की बाह्य सीमा से जाती हुई फिर सड़क पार करती है और ग्राम शिरपुर तथा कानव्हा की सम्मिलित ग्राम सीमा पर बिन्दु 'झ' पर मिलती है।

अ-ट-ठ-डः

रेखा ग्राम कानव्हा से होकर जाती है तथा प्लॉट संख्या 46 की बाह्य सीमा के साथ जाती हुई सड़क पार करती है और प्लॉट संख्यांक 50, 22, 21, 20, 6, 7, 8, 15, 14/1- 14/2, 13, 29, 38 की बाह्य सीमा से गुजरती हुई फिर से सड़क पार करती है तथा प्लॉट संख्यांक 42, 44/1- 44/2, 34/1- 34/2- 34/3 की बाह्य सीमा के साथ गुजरती हुई ग्राम कानव्हा तथा धामनगांव (कामठी) की सम्मिलित ग्राम सीमा पर बिन्दु 'डः' पर मिलती है।

ङ-ढ-ण-तः

रेखा ग्राम कानव्हा से होकर प्लॉट संख्यांक 34/1- 34/2- 34/3, 44/1- 44/2 की बाह्य सीमा के साथ जाती हुई ग्राम कानव्हा एवं शिरपुर की सम्मिलित ग्राम सीमा को पार करती हुई नाला पार करती है और नाला एवं प्लॉट संख्यांक 155/1- 155/2, 342, 167/1- 167/2क- 167/2ख, 168/1- 168/2 की बाह्य सीमा के साथ गुजरती हुई ग्राम शिरपुर एवं कानव्हा की सम्मिलित ग्राम सीमा को पार करती हुई ग्राम खुर्सापार से होती हुई प्लॉट संख्यांक 94, 93, 92, 91/4- 91/3- 91/2- 91/1, 90, 89 की बाह्य सीमा से गुजरती हुई सड़क पार करती है और प्लॉट संख्यांक 80/1- 80/2, 78/1- 78/2- 78/3, 76 की बाह्य सीमा के साथ जाती हुई ग्राम खुर्सापार और शिरपुर की सम्मिलित ग्राम सीमा को पार करती है और ग्राम शिरपुर से प्लॉट संख्यांक 252, 253, 260, 259, 258, 257, 256, 248, 247/1- 247/2, 246, 245, 340 की बाह्य सीमा से गुजरती हुई फिर से सड़क पार करती है और प्लॉट संख्यांक 227, 335, 336, 211, 210, 209, 203/1- 203/2, 201 की बाह्य सीमा के साथ जाती हुई बिन्दु 'त' पर मिलती है।

ख-द-क: रेखा ग्राम शिरपुर से होती हुई प्लॉट संख्यांक 198/1- 198/2 तथा सङ्क की बाह्य सीमा के साथ गुजरती हुई सङ्क पार करती है और प्लॉट संख्यांक 131/1- 131/2- 131/3, 130/1- 130/2- 130/3- 130/4- 130/5, 6 की बाह्य सीमा से गुजरती हुई सङ्क पार करती है तथा प्लॉट संख्यांक 14, 15, 17, 18, 19, 20, 22, 25, 26, 47, 46/1- 46/2- 46/3, 40 की बाह्य सीमा के साथ जाती है और ग्राम शिरपुर तथा कटारा की सम्मिलित ग्राम सीमा को पार करती हुई ग्राम कटारा के प्लॉट संख्यांक 108, 107/1- 107/2, 112, 113/1- 113/2- 113/3- 113/4, 41/1- 41/2- 41/3- 41/4, 40/1- 40/2, 44, 36/1- 36/2 की बाह्य सीमा के साथ जाती हुई आरंभिक बिन्दु 'क' पर मिलती है।

अनुसूची 'ख'

नया मकरधोकरा - 1 विवृत खंड
उमरेर क्षेत्र जिला नागपुर (महाराष्ट्र)

(रेखांक सं.सी - 1(इ) III /एफयूआर/739- 1105 तारीख 16 नवम्बर, 2005)

खनन अधिकार

क्रम संख्या	ग्राम का नाम	पटवारी सर्किल संख्या	तहसील	जिला	निजी क्षेत्र	सरकारी क्षेत्र	कुल क्षेत्र हेक्टर में	टिप्पणियां
1	शिरपुर	22	उमरेर	नागपुर	23.34	1.00	24.34	भाग

कुल क्षेत्र:- 24.34 हेक्टर (लगभग) या 60.14 एकड़ (लगभग)

कुल जोड़:- अनुसूची 'क' = सभी अधिकार

529.24 हेक्टर (लगभग) या 1307.75 एकड़ (लगभग)

अनुसूची 'ख' = खनन अधिकार

24.34 हेक्टर (लगभग) या 60.14 एकड़ (लगभग)

ग्राम शिरपुर में अर्जित किए जाने वाले प्लॉट संख्यांक:-

112/1- 112/2क- 112/2ख- 112/3क- 112/3ख, 113/1- 113/2, 114/1- 114/2, 115/1- 115/2, 116/1क- 116/1ख- 116/2- 116/3, 117/1- 117/2, 118, 119/1- 119/2, 138, 139, 140, 141/1- 141/2- 141/3क- 141/3ख, 142/1- 142/2, सङ्क (भाग).

सीमा वर्णन:-

ध-न-च-ध: रेखा बिन्दु 'ध' से आरंभ होती है और ग्राम शिरपुर से होकर सङ्क पार करती हुई प्लॉट संख्यांक 112/1- 112/2क- 112/2ख- 112/3क- 112/3ख, 113/1- 113/2, 141/1- 141/2- 141/3क- 141/3ख, 142/1- 142/2, 140, 139, 138, 141/1- 141/2- 141/3क- 141/3ख, 119/1- 119/2, 118, 117/1- 117/2 की बाह्य सीमा के साथ जाती है और सङ्क पार करती है फिर सङ्क के बाहरी किनारे से गुजरती हुई आरंभिक बिन्दु 'ध' पर मिलती है।

Ministry of Coal

New Delhi, the 12th May, 2006

S. O. 1968.—Whereas by the notification of the Government of India in the Ministry of Coal No. S.O. 1106 dated the 18th March, 2005 issued under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in Part – II, Section 3, Sub-Section (ii) of the Gazette of India, dated the 26th March, 2005 at pages 2935 to 2937, the Central Government gave notice of its intention to prospect for coal in 786.00 hectares (approximately) or 1942.21 acres (approximately) of the lands in the locality specified in the Schedule annexed to that notification ;

And whereas the Central Government is satisfied that coal is obtainable in a part of the said lands described in the schedules appended to this notification ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire -

- a) all rights in or over the lands measuring 529.24 hectares (approximately) or 1307.75 acres (approximately) described in Schedule “A” appended hereto ;
- b) the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 24.34 hectares (approximately) or 60.14 acres (approximately) described in Schedule “B” appended hereto ;

Note 1 The plan bearing No. C-1(E)III/FUR/739-1105 dated the 16th November, 2005 of the area covered by this notification may be inspected in the office of the Collector, Nagpur (Maharashtra) or in the office of the Coal Controller, 1, Council House Street, Kolkata (Pin 700 001) or in the office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur – 440 001 (Maharashtra).

Note 2 Attention is hereby invited to the provisions of section 8 of the aforesaid Act which provides as follows :-

Objections to acquisition :

“8. (1) Any person interested in any land in respect of which a notification under section 7 has been issued may, within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Explanation :- It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be undertaken by the Central Government or by any other person.

- (2) Every objection under sub-section (1) shall be made to the competent authority in writing and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further enquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of section 7 or of rights in or over

such land, or make different reports in respect different parcels of such land or of rights in or over such land, to the Central Government, containing his recommendations on the objections, together with the record of proceedings held by him, for the decision of that Government.

(3) For the purpose of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act."

Note 3 : The Coal Controller, 1, Council house Street, Kolkata – 700 001, has been appointed by the Central Government as the competent authority under the Act, vide notification number S.O. 2519 dated the 27th May, 1983, published in Part – II, Section 3, Sub-Section (ii) of the Gazette of India, dated the 11th June, 1983.

SCHEDULE 'A'
New Makardhokra – I Opencast Block,
Umrer Area, District Nagpur (Maharashtra)

(Plan No. C-1(E)III/FUR/739-1105 dated the 16th November, 2005).

All Rights

Serial number	Name of village	Patwari circle number	Tahsil	District	Area in Hect.	Area in Hect.	Total Area in hect.	Remarks
					PVT land	Govt. land		
1	Kanwha	22	Umrer	Nagpur	79.40	0.77	80.17	Part
2	Shirpur	22	Umrer	Nagpur	290.86	18.63	309.49	Part
3	Katara	22	Umrer	Nagpur	107.80	—	107.80	Part
4	Khursapar	23	Umrer	Nagpur	30.96	0.82	31.78	Part
Total :					509.02	20.22	529.24	

Total area : 529.24 hectares (approximately)
or 1307.75 acres (approximately)

Plot numbers to be acquired in village Kanwha :

6, 7, 8, 13, 14/1- 14/2, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25/1- 25/2, 26, 27/1- 27/2, 28, 29, 34/1- 34/2- 34/3, 38, 39, 40, 41, 42, 44/1- 44/2, 45, 46, 47, 48, 49/1- 49/2, 50, 75, 76, 77, 82, 83, 84, 87/1- 87/2- 87/3, 88/1- 88/2- 88/3- 88/4, 89, Road (Part).

Plot numbers to be acquired in village Sirpur :

6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 25, 26, 39, 40, 41, 42, 43, 44, 45, 46/1- 46/2- 46/3, 47, 48/1- 48/2, 49, 50/1A- 50/1B- 50/2, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61/1- 61/2- 61/3- 61/4- 61/5- 61/6- 61/7- 61/8, 62, 63, 64/1- 64/2- 64/3, 65, 66, 67, 68, 69, 70/1- 70/2- 70/3, 71, 72/1- 72/2, 75/1- 75/2, 76/1- 76/2, 77/1- 77/2, 78, 82, 83/1- 83/2, 84/1- 84/2, 120, 121/1- 121/2, 122, 123, 124, 125, 126, 127/1- 127/2, 128/1- 128/2- 128/3, 129/1- 129/2- 129/3, 130/1- 130/2- 130/3- 130/4- 130/5, 131/1- 131/2- 131/3, 132/1- 132/2, 133/1- 133/2, 134, 135, 136, 137, 150, 151, 152, 153, 154/1- 154/2, 155/1- 155/2, 156/1- 156/2- 156/3- 156/4, 157, 158, 159/1- 159/2- 159/3- 159/4, 160, 161, 162, 163, 164, 165, 166, 167/1- 167/2A- 167/2B, 168/1- 168/2, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185/1- 185/2, 186, 187, 188/1- 188/2, 189/1- 189/2, 190, 191, 192, 193, 194/1- 194/2, 195, 196/1- 196/2A- 196/2B, 197/1- 197/2- 197/3, 198/1- 198/2, 199/1- 199/2, 200, 201, 203/1- 203/2, 208, 209, 210, 211, 212, 213, 214,

215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228/1- 228/2, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247/1- 247/2, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 335, 336, 340, 341, 342, 343, 344, 345, 346, Road (Part), Nallah (Part).

Plot numbers to be acquired in village Katara :

34/1- 34/2- 34/3- 34/4, 35/1A- 35/1B- 35/2- 35/3, 36/1- 36/2, 40/1- 40/2, 41/1- 41/2- 41/3- 41/4, 42/1A- 42/2A- 42/1B- 42/2B- 42/3A- 42/3B, 43/1A- 43/1B- 43/2, 44, 45/1- 45/2- 45/3- 45/4- 45/5, 46/1- 46/2- 46/3- 46/4, 47/1- 47/2, 48/1- 48/2- 48/3, 49/1- 49/2, 50/1- 50/2, 51/1- 51/2- 51/3- 51/4, 52/1- 52/2, 53/1A- 53/1B- 53/2- 53/3, 55/1- 55/2, 56/1- 56/2, 57/1A- 57/1B- 57/1C- 57/2A- 57/3A1- 57/3B1- 57/3C1- 57/3A2- 57/3A3- 57/3B2- 57/2B- 57/2C- 57/3C2, 58/1- 58/2, 98/1- 98/2, 99/1- 99/2- 99/3- 99/4, 100/1A- 100/1B- 100/1C- 100/2- 100/3, 101/1- 101/2- 101/3- 101/4- 101/5- 101/6- 101/7- 101/8- 101/9- 101/10, 102/1A- 102/1B- 102/2A- 102/2B, 103/1- 103/2, 104, 105, 106, 107/1- 107/2, 108, 112, 113/1- 113/2- 113/3- 113/4, 133, 134, 135, 136, 137, 138, 139, 140, 141.

Plot numbers to be acquired in village Khursapar :

76, 78/1- 78/2- 78/3, 79, 80/1- 80/2, 89, 90, 91/1- 91/2- 91/3- 91/4, 92, 93, 94, Road (Part).

Boundary description :

A-B-C-D : Line starts from point 'A' and passes through village Katara along the outer boundary of plot numbers 36/1- 36/2, 35/1A- 35/1B- 35/2- 35/3, 133, 34/1- 34/2- 34/3- 34/4, 48/1- 48/2- 48/3, 49/1- 49/2, 50/1- 50/2, 53/1A- 53/1B- 53/2- 53/3, 55/1- 55/2, 58/1- 58/2, 57/1A- 57/1B- 57/1C- 57/2A- 57/3A1- 57/3B1- 57/C1- 57/3A3- 57/3B2- 57/2B- 57/3A2- 57/2C- 57/3C2, 99/1- 99/2- 99/3- 99/4, 141, 98/1- 98/2 and meets at common village boundary of villages Katara and Sirpur on point 'D'.

D-E-F : Line passes through village Sirpur along the outer boundary of plot number 63 crosses nallah and outer boundary of plot numbers 72/1- 72/2, 75/1- 75/2, 78, 82, 83/1- 83/2, 84/1- 84/2, crosses road then passes along the outer boundary of plot numbers 126, 125, 124, 123, 122, 121/1- 121/2, 134, 135, 136, 137 and meets at point 'F'.

F-G-H : Line passes through village Sirpur along the outer boundary of road and along the common village boundary of villages Sirpur and Kanwha and meets at point 'H'

H-I-J : Line passes through village Kanwha along the outer boundary of plot numbers 88/1- 88/2- 88/3- 88/4, 87/1- 87/2- 87/3, crosses road then passes along the outer boundary of plot numbers 84, 83, 82, 89, 77, 76, 75, crosses road and passes along the outer boundary of plot numbers 87/1- 87/2- 87/3, 88/1- 88/2- 88/3- 88/4, crosses road and meets on common village boundary of villages Sirpur and Kanwha at point 'J'.

J-K-L-M : Line passes through village Kanwha along the outer boundary of plot number 46, crosses road then passes along the outer boundary of plot numbers 50, 22, 21, 20, 6, 7, 8, 15, 14/1- 14/2, 13, 29, 38, crosses road then passes along the outer boundary of plot numbers 42, 44/1- 44/2, 34/1- 34/2- 34/3 and meets on common village boundary of villages Kanwha and Dhamangaon (Kamptee) at point 'M'.

M-N-O-P : Line passes through village Kanwha along the outer boundary of plot numbers 34/1- 34/2- 34/3, 44/1- 44/2, crosses common village boundary of villages Kanwha and Sirpur then crosses nallah and proceeds along the outer boundary of nallah and plots numbers 155/1- 155/2, 342, 167/1- 167/2A- 167/2B, 168/1- 168/2, crosses common village boundary of villages Sirpur and Khursapar then passes through village Khursapar along the outer boundary of plot numbers 94, 93, 92, 91/4- 91/3- 91/2- 91/1, 90, 89, crosses road then passes along the outer boundary of plot numbers 80/1- 80/2, 78/1- 78/2- 78/3, 76, crosses common village boundary of villages Khursapar and Sirpur then

passes through village Sirpur along the outer boundary of plot numbers 252, 253, 260, 259, 258, 257, 256, 248, 247/1- 247/2, 246, 245, 340, crosses road then passes along the outer boundary of plot numbers 227, 335, 336, 211, 210, 209, 203/1- 203/2, 201, and meet at point 'P'.

P-Q-R-A : Line passes through village Sirpur along with the outer boundary of plot numbers 198/1- 198/2 and road then crosses road and passes along with the outer boundary of plot numbers 131/1- 131/2- 131/3, 130/1- 130/2- 130/3- 130/4- 130/5, 6, crosses road then along with the outer boundary of plot numbers 14, 15, 17, 18, 19, 20, 22, 25, 26, 47, 46/1- 46/2- 46/3, 40, crosses nallah then along with the outer boundary of plot number 39, then crosses common village boundary of villages Sirpur and Katara then passes through village Katara along with the outer boundary of plot numbers 108, 107/1- 107/2, 112, 113/1- 113/2- 113/3- 113/4, 41/1- 41/2- 41/3- 41/4, 40/1- 40/2, 44, 36/1- 36/2 and meets at starting point 'A'.

SCHEDULE 'B'

New Makardhokra – I Opencast Block , Umrer Area, District Nagpur (Maharashtra)

(Plan No. C-1(E)III/FUR/739-1105 dated the 16th November, 2005).

Mining Rights

Serial number	Name of village	Patwari circle number	Tahsil	District	Area in Hect. Pvt. land	Area in Hect. Govt. land	Total area in hect.	Remarks
1	Shirpur	22	Umrer	Nagpur	23.34	1.00	24.34	Part

Total area : 24.34 hectares (approximately)

or 60.14 acres (approximately)

Grand Total : Schedule 'A' - All Rights = 529.24 hectares (approximately)

or 1307.75 acres (approximately)

Schedule 'B' - Mining Rights = 24.34 hectares (approximately)

or 60.14 acres (approximately)

Plot numbers to be acquired in village Sirpur :

112/1- 112/2A- 112/2B- 112/3A- 112/3B, 113/1- 113/2, 114/1- 114/2, 115/1- 115/2, 116/1A- 116/1B- 116/2- 116/3, 117/1- 117/2, 118, 119/1- 119/2, 138, 139, 140, 141/1- 141/2- 141/3A- 141/3B, 142/1- 142/2, Road (Part).

Boundary description :

S-T-F-S : Line start from point 'S' through village Sirpur crosses road then passes along with the outer boundary of plot numbers 112/1- 112/2A- 112/2B- 112/3A- 112/3B, 113/1- 113/2, 141/1- 141/2- 141/3A- 141/3B, 142/1- 142/2, 140, 139, 138, 141/1- 141/2- 141/3A- 141/3B, 119/1- 119/2, 118, 117/1- 117/2, crosses road then proceeds along the outer boundary of road and meets at starting point 'S'.

श्रम एवं रोजगार मंत्रालय

शुद्धिपत्र

नई दिल्ली, 19 अप्रैल, 2006

का.आ. 1969.—भारत के राजपत्र भाग-II, खण्ड 3 उपखण्ड (ii) में दिनांक 24-12-2005 की अधिसूचना संख्या का.आ. 4760 में पृष्ठ 13721 पर प्रकाशित दिनांक को 11 जून, 2005 के बजाय 11 जून, 2003 पढ़ा जाए।

[फा. सं. जैड-20025/14/2002-सी एल एस-I]

विनीता अग्रवाल, निदेशक

MINISTRY OF LABOUR AND EMPLOYMENT

CORRIGENDUM

New Delhi, the 19th April, 2006

S.O. 1969.—The Notification S. O. 4760 dated 24-12-2005 appearing on page 13721 in the Gazette of India Part II, Sec. 3, sub-sec. (ii) may be read as the 11th June, 2003 instead of 11th June, 2005.

[F. No. Z-20025/14/2002-CLS-I]

VINITA AGARWAL, Director

नई दिल्ली, 21 अप्रैल, 2006

का.आ. 1970.—औद्योगिक अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1 चंडीगढ़ के पंचाट (संदर्भ संख्या 171/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-4-2006 को प्राप्त हुआ था।

[सं. एल-12012/316/1996-आई आर (बी-II)]

सी. गंगधरण, अवर सचिव

New Delhi, the 21st April, 2006

S. O.1970—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 171/97) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure, in the industrial dispute between the management of Punjab National Bank and their workmen, received by the Central Government on 21-04-2006.

[No.L-12012/316/1996-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. I. D. 171/97

The Regional Secretary, Punjab National Bank Employees Association, C/o Punjab National Bank Rewari.
Applicant

versus

1. The Regional Manager, Punjab National Bank, Regional Office, Rohtak. Respondent.

APPEARANCES

For the workman : None

For the management : Shri Harjit Singh HRD Officer.

AWARD

Passed on 3-4-2006

Central Government *vide* notification No. L-12012/316-96/IR(B-II) dated 22-09-97 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Management of Punjab National Bank in awarding punishment of stoppage of one annual increment with cumulative effect *vide* orders dated 14-2-1994 imposed on Shri Kanwar Singh Yadav, Cashier-cum-Godownkeeper. B. O. Kund (Rewari) is legal and justified? If not, to what relief the said workman is entitled?”

2. The rep. of the management again submitted that workman is not interested in prosecuting his case as this is a case of stoppage of one increment and he has retired on 30-4-05 from the service of the bank, and thereafter registered notices were issued on the last known address of the workman but of no use and workman did not appear. He also submitted that it is a case of petty relief as he was contesting against stoppage of one increment and management has no other address and it is the workman duty to appear and he is not appearing. He also requested that reference may be returned as submitted by him above.

3. In view of the above submissions and perusal of record, the workman is not appearing since 13-5-03. I have also found that the dispute raised by the workman is a petty matter of stoppage of one increment which had no effect on his retirement. In view of the submission of the rep. of the management and my perusal of the order sheets. I agree with the contention of the rep. of the management that it is a petty matter and after retirement, the workman is not interested to pursue with the present dispute. Therefore, the present reference is returned to the Central Government for want of prosecution. Central Government be informed. File be consigned to record.

Chandigarh

3-4-2006

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 21 अप्रैल, 2006

का.आ. 1971.—औद्योगिक अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार और एन जी सी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध

में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय मुम्बई-1 के पंचाट (संदर्भ संख्या 34/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-4-2006 को प्राप्त हुआ था।

[सं. एल-20040/32/1996-आई आर (सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 21st April, 2006

S. O. 1971—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 34/96) of the Central Government Industrial Tribunal-cum-Labour Court, Mumbai I, now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of ONGC and their workmen, which was received by the Central Government on 20-04-2006

[No.L-20040/32/1996-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT

JUSTICE GHANSHYAM DASS,

Presiding Officer

REFERENCE NO. CGIT-34 OF 1996

Employers in relation to the Management of
ONGC

V/s.

Their Workman Shri Ninan Thomas

COMPLAINT NO. CGIT-1 OF 2002

(Arising out of Reference No. CGIT- 34 of 1996)

Parties: Shri Ninan Thomas Complainant
V/s.

3. The Chairman-cum-Managing Director,
ONGC Ltd., Mumbai-400051.

4. The Group General Manager (P&A),
ONGC Ltd., Gujarat-393010. Opp. Parties

APPEARANCES:

For the Management : Mr. G. D. Talreja, Advocate

For the Workman : Mr. Francies, Adv.,
Workman present in person

State : Maharashtra

Mumbai, dated the 3rd day of April, 2006.

COMMON AWARD

1. CGIT-34-1996 is a reference made by the Central Government in exercise of its powers under clause (d) of sub-section 1 and sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 (the Act for short). Vide Government of India, Ministry of Labour, New Delhi, Order

No. L-20040 (32)/96-IR(Coal-I) dated 1-11-1996. The terms of reference given in the Schedule are as follows :

“Whether the action of the ONGC management in not taking action upon the request made by the workman Shri Ninan Thomas for reversion and not allowing him to join at Mumbai is justified or Not? If not, what relief should be granted to the workman?”

2. The case of Mr. Ninan Thomas (hereinafter referred to as Mr. Thomas) as borne out from the written statement dated 23-11-1998 is that he was working with the Oil and Natural Gas Commission (hereinafter referred to as the Management) as Sr. Security Inspector and he was promoted as Assistant Security Officer *vide* order No. 52/193/90-Estt. I dated 09-7-1990. The promotion order was subject to fulfilment of the following two conditions :

(1) The promotion will be effective only if he gives an undertaking in writing that he would move to new station as may be decided later on. (2) The promotion order will stand cancelled automatically without any further notice in the event of his not actually moving to any station immediately on receipt of the transfer order. The workman submitted the undertaking and he was promoted as such in the pay scale of Rs. 1,030 to 2000. The pay scale of Sr. Security Inspector was Rs. 725-1480. While working as Sr. Security Inspector he was drawing a basic salary of Rs. 1,280 (pre-revised) and Rs. 2,466 (revised scale). Thus, on promotion he would have got two increments one in the earlier scale and one in the higher scale and ought to have been fixed in the pay scale of Rs. 1,280-2,000 (pre revised) corresponding to Rs. 3,050 (revised basic) was in the scale of 2,250-4,000 pay was not fixed as such but instead the pay fixed after promotion was fixed at Rs. 1030 *vide* order dtd. 01-2-1991. While joining as Sr. Security Officer on 01-10-85 he was fixed at Rs. 1,040 as basic. Thus, the pay after promotion was in fact reduced to the basic pay drawn by him as back as in October, 1985. This discrepancy was brought to the notice of the Management *vide* letters dated 04-2-1991 and 10-5-1993 but no response was made. He requested the General Manager (Security and Vigilance), who, in turn, wrote a DO letter dated 25-3-1993 to the Group General Manager (Personnel) Dehradun to do the needful and even this letter was not replied by the Management. The glaring discrepancy in fixation of pay scale was not attended to all by the Management. On 04-5-1992 Mr. Thomas received the transfer order which was in violation to the transfer policy. However, it was mentioned in the transfer order itself that the concerned personnel will not be relieved after 31-5-1992. Mr. Thomas made the representation for cancellation of the transfer order on the ground of bedridden condition for paralytic stroke to his father who was under the treatment at Bombay. Instead, he was told on telephone by Mr. D. S. Manral, Senior Security Officer on 05-7-1992 that he stood transferred to Ankleswar. No. handing over or taking over was made in

between July to November 1992 nor any salary was given to Mr. Thomas. Mr. Thomas showed his inability to move on transfer since he was losing Rs. 1,500 p.m. on account of discrepancy on fixation of pay and requested for reversion to the post of Sr. Security Inspector but the Management did not pass any order at all. However, the Management informed Mr. Thomas that his transfer order stood deferred and his salary from July to November, 1992 was released. Subsequently, the General Manager (P&A) took an undertaking from him that he would move for transfer. He had given the undertaking that he would try to move for transfer but the worked 'try to' was omitted/deleted by the Officers of the Management. He went on requesting for fixation of pay but his pay was never fixed at Rs. 3,050 on promotion and he was issued relieving order for transfer to Ankleshwar. His request for reversion was not replied certificate on 27-5-1993 under the assurance that his transfer would be cancelled. However, his request for fixation of pay/reversion was never replied to.

Mr. Thomas filed a writ petition No. 943 of 1994 before Honourable Bombay High Court upon which he was directed to approach the Industrial Tribunal. Consequently, he raised the industrial dispute before the Asstt. Labour Commissioner (C), Mumbai but the Management did not attend to the Conciliation proceedings. Consequently, *ex parte* failure report dt. 18-10-1994 was submitted by the concerned Conciliation Officer, Mumbai. Thereafter, the Management got the conciliation re-opened and the concerned Assistant Labour Commissioner submitted a fresh failure report to the Government. Thereafter, the Management issued orders for vacation of his quarter. Since the Government did not refer the matter, he again filed a writ petition No. 930 of 1996 wherein the Honourable High Court passed the order directing the Government to decide to make the reference or not within six weeks. Since he was facing hardship for want of salary, he signed the consent term with the Management dated 26-6-1996 that he will join at Ankleshwar within six weeks and vacate the quarter after withdrawal of appeal before the Session Court against vacation. In accordance with the consent terms before the High Court, he reported for duty at Ankleshwar on 22-7-1996 but he was not allowed to resume duty at Ankleshwar. Instead, the Management filed a Review Petition No. 17 of 1996 before the Honourable High Court which was dismissed with strictures on 6-9-1996. Under the direction of the Honourable High Court, he reported to join at Ankleshwar on 9-9-1996. His joining was allowed. After joining, he applied for leave to surrender his quarter at Mumbai but the grave was not sanctioned. He gave in writing that if the leave is not sanctioned the Management would be responsible for not surrendering the quarter as per consent terms before the Honourable High Court. The leave was accordingly sanctioned from 17-9-1996 to 6-10-1996 with prefix of 14, 15 and 16 September. He came to Bombay and surrendered the quarter on 14-9-1996. The Management alleged to have issued two telegrams dated

19-9-1996 and 23-9-1996 and for cancellation of leave but he never received these telegrams since they were being issued deliberately at the address of quarter at Mumbai vacated by him on 14-9-1996. Finally, the Management issued the termination order dated 3-10-1996 which is in utter violation to the orders of the Honourable High Court since he had already fulfilled the terms of the consent order, the question of deemed resignation as held by the Management in the termination letter dt. 3-10-1996 does not arise.

3. The Termination letter dt. 3-10-1996 reads as under:—

- (i) The undersigned on the basis of the records available in the office of the Ankleshwar Project has considered the following facts and circumstances.
- (ii) That by an order dated 26-6-1996 in Writ Petition No. 930 of 96, the Hon'ble High Court has pleased to direct Shri Ninan Thomas to report for duty within 6 weeks from 26-6-1996 at Ankleshwar.
- (iii) That the ONGC filed Review Petition No. 17 of 1996 for vacating/review of the order dated 26-6-1996 and an order dated 6th September, 1996 was passed in the said Review Petition No. 17 of 1996. The said order dated 6-9-1996 *Inter alia* directed Shri Ninan Thomas to report for duties at Ankleshwar on 9-9-1996, and to make and application for allotment of accommodation at Ankleshwar.
- (iv) That on 9-9-1996 Shri Ninan Thomas submitted his joining report at the Ankleshwar Unit, pursuant to which by an office order dated 9-9-1996 was issued under which Shri Ninan Thomas was assigned duties.
- (v) That Shri Ninan Thomas was provided with hotel accommodation at ONGC's cost from 9-9-1996 to 23-9-1996 which is the maximum permissible period under the existing procedure of ONGC.
- (vi) That on 10-9-1996, Shri Ninan Thomas applied for leave of absence from duties for a total period of 17 days for the period 17-9-1996 upto 6-10-1996 with permission to prefix 14th, 15th and 16th September being Saturday, Sunday and holiday. Shri Thomas had accordingly proceeded on leave to Mumbai. In the application for leave Shri Ninan Thomas gave the address of his staff quarters of ONGC occupied by him in Mumbai as being his leave address. The leave address given by Shri Ninan Thomas in his application was as follows:

58, Gannon & Dinkerly Apts.
CST Road, Kalina, Santacruz (East)
Bombay-400098

(vii) That by an application dated 13-9-1996 Shri Ninan Thomas applied for allotment of bachelor accommodation at Ankleshwar with effect from 7-10-1996.

(viii) That Shri Ninan Thomas was granted leave as applied for.

(ix) That on 17-9-1996 in accordance with the Honourable Bombay High Courts order dated 26-6-1996, especially Clause 3 thereof Shri Ninan Thomas was under obligation to hand over/surrender vacant possession of the staff quarters to the Estate Dept. of ONGC at Vasudhara Bhavan, Mumbai on or before 17-9-1996. However, Shri Ninan Thomas defaulted, failed and neglected to hand over/surrender vacant possession of the said staff quarters in Mumbai in terms of the order of the Hon'ble Bombay High Court dated 26-6-1996 and that the Dy. Manager (P&A) Estt. has confirmed that Shri Ninan Thomas has not handed over vacant possession of the said staff quarters in Mumbai till 30-9-1996. However, he has handed over the possession of the quarter on 1-10-1996.

(x) That in the exigency of the ONGC work, the leave previously granted to Shri Ninan Thomas was revoked and Shri Thomas was asked to report for duties on 23rd September, 1996 by telegram dated 19-9-1996, which telegram was dispatched to Shri Ninan Thomas Leave address on 19-9-1996 itself.

(xi) That Shri Ninan Thomas failed and neglected to report for duties on 23-9-1996.

(xii) That another telegram dated 24th September, 1996 was sent to Shri Thomas at his leave address again directing him to report for duties immediately failing which action would be taken against him in accordance with law.

(xiii) That Shri Ninan Thomas failed and neglected to report for duties even thereafter and by another telegram dated 27th September, 1996 sent to his leave address Shri Thomas was again advised to report for duties immediately failing which appropriate action would be taken against him.

(xiv) That Shri Ninan Thomas was given bachelor accommodation at Ankleshwar as requested by him in his application dated 13-9-1996, vide office order dated 27-9-1996.

(xv) That Shri Ninan Thomas has failed and neglected to report for duties at Ankleshwar till today.

(xvi) That the continued absence of Shri Ninan Thomas from his place of posting, after his leave had been revoked with effect from 23-9-1996, amounts to gross misconduct under the ONGC's Conduct Discipline and Appeal Rules, 1994, Shri Ninan Thomas is therefore liable for disciplinary action under these rules.

(xvii) However, Disciplinary action against Shri Ninan Thomas is not being initiated in view of Clause 4 of the order dated 26-6-1996 passed by the Hon'ble Bombay High Court in Writ Petition No. 930 of 1996. Clause 4 of the said order reads thus :

“In the event of any default committed by the Petitioner in carrying out any of his obligation set out hereinabove. Respondent No. 4 shall be at liberty, without prejudice to their rights under any other law, rules, or regulations in their behalf to treat the petitioner's absence at the Ankleshwar Unit (WRBC) as 'deemed resignation' Except as above Respondent No. 4 not to take, initiate conduct to proceed with or conclude any departmental enquiry or proceedings or action against the petitioner in respect of his absence from duty at the Ankleshwar unit (WRBC) for the period 27-5-1993 upto the date of his actual joining at the said office as per clause 1 above.”

(xviii) In view of the above and in terms and in deference to the orders of the Hon'ble Bombay High Court dated 26-6-1996 Shri Ninan Thomas is hereby deemed to have resigned from the service of the ONGC with effect from 15th August, 1993.

(xix) The name of Shri Ninan Thomas shall accordingly stand struck off from the rolls of the ONGC.”

4. The written statement filed by the Management goes to show that the contention of the Management broadly speaking is; firstly, that the reference is not maintainable since Mr. Thomas does not come within the definition of workman under Section 2 (s) of the Industrial Dispute Act (hereinafter referred to as the Act) as he was Assistant Security Officer performing supervisory and Administrative function and drawing the salary of rupees more than Rs. 1,600 p. m. secondly, the termination order has been passed by Group General Manager (Projects) O. N. G. C. Ankleshwar. Mr. Thomas was working at Ankleshwar and this Tribunal sitting at Mumbai does not have the jurisdiction and thirdly, that the instant reference is not maintainable in view of subsequent development of filing of the Writ petitions/Review petition and the orders passed therein. It is also contended that Mr. Thomas stood terminated in view of the deemed resignation vide details order dt. 03-10-1996 for violating the terms of the orders passed by the Honourable High Court. It is submitted that the ONGC is a Public Ltd. Company registered under the Companies Act, 1956 and having its registered office at Jeevan Bharti Bldg, Tower II, 124, Connaught Circus, New Delhi-110001, Regional Business Centres at Baroda, Nazir a, (Assam), Chennai and Calcutta. It has 44 thousand employees spread all over India at various business centers. The Officers classified in two categories namely Executive and Unionised category. It has framed Service rules/Conduct rules to its Officers. Mr. Thomas was

recruited on All India basis. He had joined at Mumbai on 1-1-1985 as Sr. Security Inspector. He was promoted to the post of Asstt. Security Officer in the grade of Rs. 1030—2000 which is classified in Executive category carrying higher responsibilities. Mr. Thomas made a representation dated 04-5-1992 to cancel/defer his transfer order on the following grounds :

- (i) That his wife is working in Punjab National Bank, Dadar, Mumbai and her job is not transferable. He was not in a position to move on transfer, keeping his wife. One son aged 9 years studying in class IV and aged parents at Mumbai as he was staying in ONGC's colony at Kalina, Santacruz, Mumbai and it was not possible for him to get any accommodation in the Municipal limits in Mumbai.
- (ii) That his father and mother aged 74 years and 68 years respectively, are wholly dependent on him, he being their only son and they are staying with him. His father had suffered a paralytic stroke in June 1990 and therefore he required physical attendance and constant medical care.
- (iii) He would be ready to go on transfer wherever he would be posted when he would be able to solve housing problem to keep his family in Bombay, for which he had already booked a flat and might get possession of the same in a year or two.
- (iv) That he had requested for cancellation/deferral of his transfer keeping in view the guidelines contained in order dated 3-7-1986 issued by GM (Per.) HO which, *inter alia* provided that :
 - (a) As far as possible and within the constraints of administrative feasibility the husband and wife working in Commission should be posted to the same station to enable them to lead a normal family life and to ensure proper care of their children.
 - (b) Wherever any of the spouse is serving in any other public sector undertaking, Central/State Government, such cases may also be dealt with keeping in mind and the spirit in which the above mentioned instructions have been issued.

5. It is further submitted that representation was rejected and he was relieved from the duties on 6-7-1992 and thereafter on his further appeal, the transfer order was deferred upto 15-5-1993. Mr. Thomas submitted an undertaking that he would move for transfer and thus he would stand relieved on 15-5-1993. Thereafter, Mr. Thomas made over charge to his workman to his Controlling Officer on 27-5-1993 and accordingly, he was relieved of his duties to join at Ankleshwar. Instead of reporting at Ankleshwar, he approached the Asstt. Labour Commissioner (Central)

and raised the Industrial dispute. He kept on avoiding the joining at Ankleshwar by moving one Court to another and filing of writ petitions. The present reference is not maintainable in view of the subsequent development and the fact that Mr. Thomas had already joined as Asstt. Security Officer and that he has already been terminated under "deemed resignation".

6. Mr. Thomas filed his rejoinder dated 10-6-99 and reiterated his earlier pleas and denied the case of the Management.

7. The following issues had been framed earlier *vide* letter dated 30-7-2002 by the predecessor in office :

- (1) Whether Shri Ninan Thomas was a workman within the meaning of Section 2(s) of the Industrial Disputes Act, 1947?
- (2) Whether the order of the High Court of Bombay bars this reference on the ground of resjudicata?
- (3) Whether the ONGC management was authorised to reject the request of reversion made by the workman?
- (4) Whether he was bound to move to new station as a consequence of promotion and he had no option to forego promotion?
- (5) Whether the workman could be held to have resigned inspite of the fact he reported on Ankleshwar pursuant to the order of the High Court in Review Petition?
- (6) Whether the workman is entitled to promotion and consequential benefits with effect from June, 1993 because he was not entitled to exercise his options of foregoing promotion in order to remain at Mumbai?

8. The predecessor in office while framing the aforesaid issues had ordered that "Looking to the fact that considerable time has expired and the witness is to be cross-examined on the next date, none of these issues shall be treated as preliminary issues. All these issues shall be decided at the time of final disposal of reference."

9. The Complaint CGIT-1/2002 is being moved by Mr. Thomas on 16-8-2002 wherein he has prayed that the impugned order dated 3-10-1996 passed by the Management treating him as terminated for deemed resignation may be set aside and the Management be directed to reinstate with full back wages and other consequential benefits. The facts set out in the complaint are the same as given out by him earlier while filing the Statement of claim in the aforesaid reference No. CGIT-34 of 1996. Hence, I need not repeat the facts again.

10. Mr. Ninan Thomas has filed his affidavit in lieu of his examination in chief. The Management has filed the affidavit of Shri Narayan Chandra Burman, Sr. Security Officer, Shri Brij Mohan, Chief Manager (IR), Shri Rajendra Ramnarayan Jha, Head of Security (Retired) in lieu of

examination in chief. The parties have also filed the documents which have been exhibited.

11. I have heard the learned counsel for the parties at length and have gone through the record. The written submissions made by the parties and also the rulings cited by them are also perused.

12. The reference as well as complaint are hereby taken up altogether for the purpose of decision and they are being decided by one common judgement for the sake of convenience. The parties have already agreed to that the evidence led in reference be read over in both the cases. The rulings cited by the parties are the same. The arguments advanced by the parties are almost the same since the questions involved in both the matter are the same. Both the cases have not been clubbed together since the clubbing is not permitted under law but they are hereby decided by one common judgement for the sake of brevity.

13. At the very outset I may mentioned that the terms of the reference made by the Central Government are not happily worded. In fact, the termination letter dt. 3-10-96 had come into existence prior to the instnt reference by the Central Government which has been made by the Government under the directions of the Honourable High Court. The Government had not chosen to make the reference on the receipt of the failure report by the concerned Conciliation Officer. The parties to the dispute known the actual controversies in between them and they have contested the matter in that spirit. No prejudice is going to be caused to the Management if the question of termination is taken up while deciding both the matters although the terms of reference did not specify that.

14. In fact the answer to the reference made by the Central Government can be given in only one line since the action of the Management in not taking action upon the request made by the workman for reversion cannot be justified by law courts. The non-action on the part of the Administration or the Management cannot be appreciated at all. The Management has the prerogative either to reject or accept the representation made by its employee but non-action on its part and sleeping over the matter without any action cannot be justified by the law courts. Hence, this part of the reference can be very well answered in affirmative irrespective of whatever defence may be taken up by the Management. The request for reversion cannot be accepted by this Tribunal since it has to be decided first by the Management by a reasoned order under the information to its employee. Since the question of reversion had not been answered in negative by the Management, the question of permission to join the employee at Mumbai did not arise since it would follow only after the request for reversion is allowed by the Management. It may also be observed as pointed out by the learned counsel for the Management that now the question of considering the request for reversion and joining at Mumbai has become redundant in view of the different orders passed by the Honourable High Court of Bombay in writ petitions and

more so, when the employee has already joined on 09-09-1996 at Ankleshwar on promotion.

15. Now, I consider the respective contentions of the parties raised before me in both the matters referred to above.

16. FINDINGS :

ISSUE NO. 1 : The main contention of the Management is that Mr. Thomas is not a workman and hence his claim is not maintainable. The contention of the Management is that in fact Mr. Thomas was promoted to the post of Assistant Security Officer in the year w.e.f. 1-1-1990 and he was discharging the duties of supervisory/Administrative and drawing the salary of Rupees more than 1600 He was to supervise the work of Security Staff under him with a authority to sanction leave upto 6 days and was not the member of Union. Hence he cannot be said to be a workman under Section 2(s) of the Act. My attention is being drawn to the duties which are to be performed by the Assistant Security Officer as per duties categorised by the Management. After going through the record, I find nothing to substantiate the claim of the Management that Mr. Thomas was actually performing the duties of Supervisory/Manager. In this regard the latest order dt. 9-9-1996 issued by the Management is very relevant. This order had been issued by the Management when Mr. Thomas reported for duty on 09-9-1996 at Ankleshwar under the orders of the Honourable High Court of Bombay. By means of this order Mr. Thomas was posted at Ankleshwar main office as incharge of New Building Area to look after all visitors entry at new building and other activities. He was asked to sit at New Bldg. Gate Office. After going through this order by no stretch of imagination it can be inferred that Mr. Thomas was asked to discharge any duties of the nature of Supervisory/Administrative/Managerial. There is nothing on record to show that Mr. Thomas actually ever exercised the duties of Supervisor. It is true that Mr. Thomas was in the category of E-o level of Executive staff being promoted to the post of Assistant Security Officer but that by itself does not mean that he ceases to be workman unless it is shown that the employee actually discharged the duties of Supervisor/Administrative nature. The order dated 09-9-1996, referred to above makes it clear that Mr. Thomas was simply posted at the Building gate to watch the entry of the visitors.

17. The learned counsel for the Management cited before me 1994 II CLR page 487, Bombay High Court in between Sarosh Ramesh Shah vs Balkrishna Pen Pvt. Ltd., 1994 II CLR page 359 in between S.K. Mani vs. Carona Sahu Co. Ltd., 1970 ILLJ page 570 in between Burma Shell Oil Storage and Distribution Co. of India Ltd. vs. Burma Shell Oil Storage and Distibution Employees Union, 1965 II LLJ page 175 in between Reserve Bank of India vs. All India Reserve Bank Employees Association, 1995 LIC 1008 in between Araikal Rao vs. Ciba Geigy of India Ltd., and 1999 I CLR page 969 in between Glaxo India Ltd. vs. C. Gupta and Anr. in support of his contention on the point

of working workman. I have gone through all the rulings and conclude that none of them is helpful on the facts and circumstances of the present case. The law is settled that the nomenclature alone is immaterial for the purpose of deciding as to whether a particular employee as a workman or not ? For this, it has to be seen as to what are the primary duties performed by the concerned employee and that is the crux of the matter for ascertaining as to whether the employee can be categorized as workman or not. The Matter has come up for consideration before the Honourable High Court of Bombay as well as Supreme Court in this regard. The consistent law is that the duties of the employees are to be ascertained first on the facts and circumstances of each case. In the latest case reported in 2004 LAB IC 2527 in between Jayhind Vithoba Mahadik vs. The General Manager, Maharashtra Scooters Ltd., the Honourable High Court of Bombay held that the petitioner who was Assistant Security Officer apprising the duties of Watchman cannot be said to be an Officer. Even, the Authority to sanction the leave to the watchman or to make their roaster would not indicate that the petitioner was not a workman. Similar is the position in the instant case. Mr. Thomas is appointed as a Assistant Security Officer. He was posted as in charge of the Building to look after/monitor the entry of visitor. Even if he had the authority to sanction the leave of other watchman and to prepare their roaster at the time of the posting at Mumbai in the year 1991, it cannot be concluded that Mr. Thomas is not a workman. Hence, I , conclude Mr. Thomas to be a workman. Issue No. 1 is answered accordingly.

17. ISSUE NO. 2 : As referred to above the instant reference appears to have become redundant in view of the orders passed by the Honourable High Court in writ petitions/Review petition. The reference is not barred by the principal of res judicata but the life of the reference appears to have come to an end for question of reversion since Mr. Thomas has already joined at Ankleshwar on the post of Assistant Security Officer. Issue No. 2 is answered accordingly.

18. ISSUE NO. 3 : There can not be any doubt about the authority of the Management to reject the request of reversion. I do not find any justification for this issue as framed. The issue is answered accordingly.

19. ISSUE NO. 4 : Mr. Thomas was bound to move to a new station as a consequence of promotion. He had no inherent authority to forego the promotion more so, when he had given the undertaking in compliance to the promotion order that he would move to the new station of posting. Further, Mr. Thomas has already joined at Ankleshwar under the orders of the Honourable High Court and for this reason too this issue has become redundant.

20. ISSUE NO. 5 : The main controversy is as to whether the workman can be held to have resigned vide order dated 03/10/1996 which has been quoted above in toto. A bare perusal of the order goes to show that the facts are not in dispute. The filing of the writ petitions and

other proceedings are not in dispute. The orders passed by the Courts from time to time have not been disputed. The relevant dates of facts of incidence are also not in dispute.

21. It is the admitted position that the workman was first directed to join at Ankleshwar by the Honourable High Court within six weeks and he was required to join by 08-8-1996. The workman alleged that he reported to join the duties but he was not allowed under the pretext that the Management was going to move the Honourable High Court against the order. The assertion of the workman that he was not allowed to join the duties on 8-8-96 appears to be correct in view of the fact that the Management moved a Review petition before the Honourable High Court against the order dated 26-6-1996. This Review petition was dismissed by the Honourable High Court on 06-09-1996 with the observation that it was a clear case of misuse of process of law. The said order has been referred to by the Management while passing the termination order dt. 03-10-96 in accordance with the direction of the Honourable High Court. Mr. Thomas actually reported for duties at Ankleshwar on 9-9-96 and he was actually allowed to join duties. He therefore, joined as such on 9-9-96. This fulfills the first condition of the order imposed by the Honourable High Court.

22. The controversy is regarding the fulfillment of the second condition imposed by the Honourable High Court, which is regarding the vacation of the quarter.

23. After Joining on 9-9-96, the workman applied for leave which was refused at the initial stage, but was subsequently allowed when he informed in writing that the Management would be held responsible for non-compliance of the condition for vacating the quarter. The leave was admittedly granted w.e.f. 17-9-96 to 6-10-96 with prefix of 14th, 15th and 16th September. The workman actually left for Bombay on 13th. As alleged, he vacated the house on 14th September. He handed over the keys to the neighbour to deliver at the office. It was not received by the Management and the neighbour was directed to hand over the possession to the Estate Department of the O.N.G.C. The neighbour could not contact the workman immediately. Atlast, the key of the quarter was received by the Estate Department on 1st October 1996. The contention of the Management is that the workman did not vacate the quarter by 17-9-1996 as required by the Honourable High Court of Bombay and he therefore, failed to fulfill this condition. I feel that the assertion of the workman is apparently believable. The Management appears to have been interested in somehow or the other to get rid of the workman and for this reason did not receive the keys before 17-9-96 and showed the vacation on 01-10-96. I feel that the second condition of the vacation of the quarter is also fulfilled by the workman. Hence, this could not be a basis for holding the non-compliance of vacation of the quarter on the part of the workman for treating him to have resigned from the service.

24. The deemed resignation is also held to be on the ground that the workman failed to resume duties in view of the fact that his leaves were cancelled on account of exigencies of the services and for which he was informed by a telegrams dated 19-9-96 and 27-9-1996. No doubt, these telegram are reported have been issued but they have been issued at the address of the quarter which was already vacated by the workman on 14-9-1996. There is nothing on record to show that these telegrams were actually served to the workman. Mere issuance of the telegrams is not by itself sufficient unless the workman is communicated with those telegrams. There is nothing on record to show that the workman had come to know about the cancellation of the leaves. Hence, the workman could not be held responsible for not reporting for duty after cancellation of leave. That being so, this could not be a ground for concluding that the workman did not comply the orders for resuming the duties after cancellation of leave. It may be worthwhile to mention over here that the termination letter dt. 03-10-1996 has been delivered to the workman at his new address which was given by the workman along with the leave address while proceeding for leave. This termination letter was not dispatched to the workman at address of the quarter which was vacated by the workman on 14-9-1996 meaning thereby the Management had the knowledge of the alternate address but the telegrams were not being sent deliberately at the address. In this view of the matter the contention of the Management that the continued absence of the workman from the place of posting after cancellation of the leave amounts to gross misconduct under the O.N.G.C. Conduct and Discipline and Appeal Rules 1994, is not acceptable. Further, the contention of the Management that non-action for indiscipline in view of the clause 4 of the order dated 26-6-1996 in Writ petition No. 930 of 1996 regarding the deemed resignation is also not acceptable. Hence, the contention of the Management that the workman is deemed to have resigned from the service with retrospective effect i.e. 15-8-1993 is not acceptable. In fact, the management appears to have flouted the orders of the Honourable High Court and has acted in such a manner that the workman is not permitted to continue in service for no fault of his. The Issue is answered accordingly.

25. **ISSUE NO. 6 :** The question of promotion and consequential benefits from June 1993 does not arise since the workman insisted for reversion and did not work at the post of Assistant Security Officer till 9-9-1996 when he actually joined as such under the order of High Court of Bombay. The issue is answered accordingly.

26. Besides the aforesaid issues, the learned counsel for the Management also contended that this Tribunal has got no jurisdiction since the matter related to Ankleshwar. I feel that the question of territorial jurisdiction loosen its importance in view of the orders passed by the Honourable High Court of Bombay from time to time and further on account of the fact that the reference has been made by the Central Government to this Tribunal. The Central Government has powers to refer the matter of any Industrial

Tribunal through out India. The reference cannot be said to be bad on account of want of territorial jurisdiction which has been made by the Central Government for the sake of convenience. The Management cannot be permitted to raise the question of territorial jurisdiction in view of the facts and circumstances of the matter in hand referred to above.

27. The learned counsel for the Management also raised the point that the petition under Section 33-A is not maintainable. For the purpose of interpretation of Section 33 and 33-A of the Act he has cited a judgement of Honourable High Court of Calcutta decided on 10-2-1958, AIR 1958 Cal 1273 in between Mcleod and Co. vs. Sixth Industrial Tribunal, West Bengal and Ors.

28. The learned counsel for the workman cited AIR 2000 Supreme Court 3110 in between Blue Star Employees Union vs. Ex. Off. Principal Secretary to Government and another; AIR 1977 Supreme Court 1229 in between The Bhavnagar Municipality, vs. Alibhai Karimbhai and others, AIR 1960 Supreme Court 160 in between Punjab National Bank Ltd., vs. All India Punjab National Bank Employees Federation and another, AIR 1971 SC 2417 in between The Hindustan General Electrical Corporation Ltd. vs. Bishwanath Prasad and Anr. (Civil Appeal No. 2167 of 1966 and lastly the decision given by the Honourable Supreme Court (Full Bench) Civil Appeal Nos. 87-88 of 1986 decided on 17-1-2002 in between Jaipur Zila Sahakari Bhoomi Vikas Ban Ltd. vs. Ram Gopal Sharma and Qrs. to show that the present complaint under Section 32-A of the Act is maintainable and it has to be treated as a reference.

29. Having gone through the relevant law and the admitted facts and circumstances of the present case. I feel that the Application under Section 33-A of the Act is definitely maintainable. It does not stand to reason that there is no violation of section 33 of the Act for the reason that no proceedings were pending on the date of the impugned order dated 03-10-1996. I feel that in view of the orders passed by the Honourable High Court in the Writ petitions/Review petitions and the matter pending with the Government for deciding as to whether the reference be made or not and the fact that the reference came forward just after the date of the impugned order, goes to show that the present Complaint is maintainable and the law is also settled on the point that the workman would be deemed to be in employment if the order of termination is held to be bad and set aside.

30. In the case in hand the termination is not there for any misconduct as an outcome of domestic enquiry after charge sheet or for any loss of confidence by the management. The termination is there under the theory of 'deemed resignation' which is not acceptable as held above and hence the workman is deemed to be in employment with all consequential benefits w.e.f. 09-9-1996 and he would be entitled to 50% of back wages.

The reference No. CGIT-34 of 1996 and Complaint No. CGIT-1/2002 are disposed of accordingly.

Justice GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 21 अप्रैल, 2006

का.आ. 1972.—औद्योगिक अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कुवैत एअरवेज के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, मुंबई-I के पंचाट (संदर्भ संख्या 21/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-4-2006 को प्राप्त हुआ था।

[सं. एल-11012/92/1998-आई आर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 21st April, 2006

S.O. 1972.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 21/1999) of the Central Government Industrial Tribunal-cum-Labour Court Mumbai-I now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Kuwait Airways and their workmen, which was received by the Central Government on 20-04-2006

[No. L-11012/92/1998-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 1, MUMBAI

PRESENT:

Justice Ghanshyam Dass, Presiding Officer

REFERENCE NO CGIT-21 OF 1999

PARTIES:

Employers in relation to the management of
Kuwait Airways

AND

Their workmen

APPEARANCES:

For the Management : Ms. Shobha Gopal, Advocate

For the Workman : Mr. R.B. Chavan, Advocate

State : Maharashtra

Mumbai, dated this the 7th day of April, 2006.

AWARD

1. This is a reference made by the Central Government in exercise of its powers under clause (d) of sub-section 1 of Section 10 of the Industrial Disputes Act, 1947 (the Act for short). The terms of reference given in the schedule are as follows :

“क्या श्री कनॉलियस पेरियरा, एफ टी सी क्लैक्टर की कुवैत एअरवेज के प्रबंधतंत्र द्वारा शिफ्ट एवं कार्य में बदलाव उचित विधि अनुसार है?

2. क्या उन्हें 1-9-96 से 24-11-96 का वेतन न दिया जाना न्यायोचित है?

3. क्या वे दि. 15-7-92 एवं 16-6-95 से सेटलमेंट के लाभ पाने के हकदार हैं?

इस संबंध में कर्मकार किस राहत के पात्र हैं?”

It may be mentioned that date as 16-6-1996 is wrongly typed in original terms of reference as the actual date is 16-6-1995.

2. The instant reference is raised by M/s. Kuwait Airways Corporation Association (hereinafter referred to as the IIInd party) on behalf of its member Mr. Cornelius Pereira (hereinafter referred to as workman) who was an employee of M/s. Kuwait Airways Corporation (hereinafter referred to as Ist party Company). The workman was working as a Foreign Travel Tax Collector (in short called as FTT collector). He was appointed by the Department letter dt. 28-8-1991 for a period of 12 months. Since the nature of the work was of perennial in nature, he continued with the work by means of fresh appointment. He was working in the shift running from 2.00 a.m. to 10 a.m. However, all of sudden on 31-8-1996, the workman was asked to do his duties other than FTT as helping Accountant in the morning shift from 9.00 a.m. to 5.00 p.m. No notice regarding the change of service condition as required under Section 9-A of the Industrial Dispute Act (hereinafter referred to as the Act) was given by the Company to the workman. The workman was not allowed to perform his duties in the morning shift from 2.00 a.m. to 10.00 a.m. since 1-9-1996 and he was posted to perform the duties in the general shift. The request of the workman for working in the morning shift was not accepted by the Company with the result, he approached the IIInd party for redressal of his grievance. Hence, the Industrial Dispute was raised by the IIInd party on behalf of the workman. The workman also contended that the two settlements signed by the Ist party as well as IIInd party dated 15-7-1992 and 16-6-1995 were there which were binding upon the Ist Party but the benefit of the aforesaid settlement was not extended to the workman on the ground that he was not a member of the IIInd party at the time when the aforesaid settlement had been arrived at. It is submitted that such situation had earlier been also with the result, 50 workmen had raised the Industrial Dispute and the Honourable High Court of Bombay had passed the order for extension of the benefits of the aforesaid settlements to those 50 workmen and the same had been actually implemented and the benefits given to the aforesaid workmen. The workman Mr. Cornelius Pereira has been deliberately refused the benefits of the aforesaid settlements. The workman has been falsely charge sheeted and suspended with a view to create pressure upon him.

3. The Company has filed the written statement. It has denied the claim of the IIInd party on both the counts. It is alleged that the workman could be deployed for work in any of the shift and it was not obligatory upon it to permit the workman to perform his duties in the morning shift only from 2.00 a.m. to 10.00 a.m. No such condition was there in the Appointment letter. The direction to the workman to perform the duties in the General shift cannot be said to be change in the service condition and hence no

notice under Section 9-A of the Act is required for it. The workman is not entitled to the benefits of the settlements in question since those settlements were applicable to the IIInd party and its workmen who were permanent. The workmen in question was neither permanent nor a member of the IIInd party and hence he cannot claim the benefit of the settlement in question.

4. The following issues arise for consideration :

- (i) Whether the workman in question was rightly asked to perform the duties in the General shift?
- (ii) Whether the non-payment of salary to the workman for the period w.e.f. 1-9-1996 to 24-11-1996 is legal?
- (iii) Whether the workman is entitled to the benefits of the settlement dt. 15-7-1992 and 16-6-1995?

5. The workman filed his own affidavit in lieu of his examination in chief. He has been cross examined by the learned counsel for the Company. The Company has not led any oral evidence. The parties have filed documents and the same are duly accepted.

5-A. I have heard the learned counsel for the parties and gone through the record and also the written submissions filed by them.

6. **Issue No. 1 :** On a perusal of the evidence available in record, this much is clear that there is no condition precedent with the employment of the workman in question that he would perform his duties in the morning shift. i.e. 2.00 a.m. to 10.00 a.m. only. It is definitely misconceived plea raised by the workman that he cannot be forced by the Company to perform his duties in the general shift or in any other shift and it amounts to change in the service condition. Section 9-A of the Act reads as under :

9-A Notice of change : No employer who proposed to effect any change in the conditions of service applicable to any workman in respect of any matter specified in the Fourth Schedule, shall effect such change,—

(a) without giving to the workman likely to be affected by such change a notice in the prescribed manner of the nature of the change proposed to be effected; or

(b) within twenty-one days of giving such notice : Provided that no notice shall be required for effecting any such change—

(a) where the change is effected in pursuance of any [settlement or award] : or

(b) where the workman likely to be affected by the change are persons to whom the Fundamental and Supplementary Rules, Civil Services (Classification, Control and Appeal) Rules, Civil Services (Temporary Service) Rules, Revised Leave Rules, Civil Service Regulations, Civilians in Defence Services (Classification, Control and Appeal) Rules or the Indian Railway Establishment Code or any

other rules or regulations that may be notified in this behalf by the appropriate Government in the Official Gazette, apply.

7. The matter in controversy had earlier been before the Honourable High Court of Bombay in a case between Steamships Ltd. 1998 II CLR 45 wherein the Honourable High Court held that change in the shift timings do not fall within item 4 of the Fourth Schedule and that being so, the provisions of Section 9-A were not attracted. Similar is the case in hand. The workman has simply been asked to perform his duties in the general shift as Assistant to Accountant. The nature of FTT was also almost the work of the Accountant. The direction of the Company asking the workman to perform his duties in the general shift cannot be said to be illegal in any manner. The terms of appointment made it clear that he could be utilized in any of the shifts of the Company. In this circumstance, I conclude that Issue No. 1 in affirmative since no notice under Section 9-A of the Act is required at all.

Issue No. 2 : Admittedly, the workman remained absent w.e.f. 1-9-1996 to 24-11-1996 since he insisted to allot the duty in the morning shift. His insistence is not found to be acceptable under the law as held above. He thus, remained absent from duty w.e.f. 1-9-1996 to 24-11-1996 for no just and valid reason. It is not a case in which he was not allowed to perform his duties by the Company. In fact, the workman himself chose not to do the duty in the general shift. Hence, he has been rightly marked as absent for the aforesaid period and that being so, he cannot claim the salary for the aforesaid period in the law for no work no pay. The action of the Company the law for no work no pay. The action of the Company for non-payment of the salary for the aforesaid period is legal and justified. The issue is answered accordingly.

10. The workman is definitely entitled to the benefits of the two settlements in question dt. 18-7-1992 and 16-6-1995 for the obvious reason he would be deemed to be a permanent employee of the Company since he admittedly performed the duties for more than 240 days in one year running from the date of appointment i.e. 28-8-1991. He performed the duties for whole of the year without any break. After a temporary break, he was again given appointment letter and continued the service. By operation of law the workman would be deemed to be a permanent workman of the Company. That being so, he became the member of the IIInd party under the law. He rightly accepted the membership of the IIInd party and the IIInd party has rightly espoused the claim of the workman. The question of extending the benefits of the aforesaid two settlements to 50 workmen had earlier been there and the Honourable High Court of Bombay has extended the benefits of the aforesaid settlements and the same has been admittedly implemented. That being so, it leaves no room for doubt that the benefit of the aforesaid settlement is not to be given to the workman in question. This plea of the Company is definitely devoid of any merits. Since the Company has already been directed by the Honourable

High Court of Bombay to extend the workmen. Similar theory would be applicable to the present workman and he is also entitled to the benefits of the aforesaid settlements. The issue is answered accordingly.

11. Hence, in view of my finding on the aforesaid issues I conclude that action of Second Party in non-payment of the wages for the period in question w.e.f. 1-9-1996 to 24-11-1996 is justified and that workman is entitled to the benefits of the settlements in question dated 15-7-1992 and 16-6-1995.

12. The Award is made accordingly.

GHANSHYAM DASS, Presiding Officer
नई दिल्ली, 21 अप्रैल, 2006

का.आ. 1973.——औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद-I के पंचाट (संदर्भ संख्या 95/1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-4-2006 को प्राप्त हुआ था।

[सं. एल-20012/279/1992-आई आर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 21st April, 2006

S. O. 1973.——In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 95/1995) of the Central Government Industrial Tribunal-cum-Labour Court Dhanbad-I now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 20-04-2006

[No.L-20012/279/1992-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 1, DHANBAD

In the matter of a reference U/s. 10(1)(d) (2A) of the
Industrial Disputes Act, 1947

Reference No. 95 of 1995

Parties: Employers in relation to the management of
Dugda Coal Washery of M/s. B.C.C. Ltd.

AND

Their workmen

Present : SHRI SARJU PRASAD, Presiding Officer

APPEARANCES

For the Employers : Shri R. N. Ganguly, Advocate

For the Workmen : Shri D. Mukherjee, Advocate

State : Jharkhand. Industry : Coal.

Dated, the 6th April, 2006

AWARD

1. By Order No. L-20012/279/92-I.R. (Coal-I) dated 22-8-1995 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section 1 and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :

“Whether the demand of the Union for the regularisation of the services of S/Shri Nand Kishore Singh and 42 others (as per list enclosed) by the management of Dugda Coal Washery of M/s. Bharat Coking Coal Ltd. is justified? If so, to what relief are the concerned workmen entitled ?”

2. The case of the sponsoring union is that the concerned workmen whose names find place in the terms of reference, were engaged by the management of Dugda Coal Washery, one of the units of M/s. B.C.C. Ltd. from the year 1984 alongwith large number of other similar workmen for performing duties within the washery plant and were designated as plant cleaning job workers. They were required to perform duties, namely, re-loading fallen coal on conveyor belt, cleaning of drums below the conveyor line, properly oiling and greasing the drums to make movement of the belt normal, cleaning of connected machines to remove jam, cleaning floors from odd materials or general cleaning, join hands with maintenance staff during break down in any section of the plant or any job within the plant under orders from Chargeman/Foreman or Plant Engineer. The management have issued gate pass for entry into the Plant and attendances are recorded at the gate by the management personnel. The entire arrangements and actions are done under the administrative control of the officers of the management of Dugda Coal Washery, but they are being paid wages through some intermediary. The management have regularised in permanent employment 64 of similarly placed workmen after an award of the Tribunal, but they have made discrimination in the matter of regularisation of these concerned persons who are 43 in numbers. In the circumstances mentioned above, the sponsoring union i.e. Coal Washeries Workers Union raised the dispute with a prayer for regularisation of the services of S/Shri Nand Kishore Singh and 42 others whose names find place in the list enclosed in the reference order by the management of Dugda Coal Washery of M/s. B.C.C.L.

3. The case of the management, on the other hand, is that the reference is not legally maintainable. The demand of the sponsoring union for regularisation of contractor workers who had worked for sometime or other in connection with contract jobs awarded to some construction contractors is not genuine. As a matter of fact all the concerned persons are job seekers. The further case of the management is that in the coal washery there are various plants and machineries for the purpose of storage of ROM coal from the collieries which is crushed in a crusher and the crushed coal is transported through conveyor belt to the washery plant where the coal is washed and separated into different grades. The best quality coal

is stored in a bunker whereas the middling is stored in another bunker. The rejection flows out and is stored in another bunker. Lastly the slurry is separated and removed and the pond is kept clean. According to the management, for carrying on day to day operation, the management has got permanent work force and there is no requirement of engagement of contract labour on such job. In course of time with the issue of notification prohibiting engagement of contract labour on the jobs of removal of slurry, transportation of middlings, rejection etc. the contract system was abolished and permanent workers were engaged on such jobs, either by fresh recruitment or by regularisation of contract workers. The management has admitted that in the process of transportation of coal, the crushed coal or washed coal, middlings etc. through a system of conveyors, some spillage takes place on the way and the regular workmen in-charge of keeping watch over such matters were provided with some helpers to get the spilled coal collected and put it back on the conveyors. The management had previously entrusted the job of removal of spilled coal and putting the same into the conveyors and keeping watch over the movement etc. to contractors, but after abolition of the contract system the management put its own workmen and the contractors workers who offered themselves for the employment were taken on the roll of the management. The management has further submitted that there is no requirement of the concerned workmen to be engaged on regular basis and the question of their absorption under the management even if they have worked for sometime as contractor workmen is out of question and therefore, the management cannot regularise them on the roll of the company. The management further denied the relationship of employer and employee in between the management and the concerned persons.

4. The point for decision in this case is whether there is relationship of employer and employee in between the management of Dugda Coal Washery and the concerned persons whose names find place in the reference order ? If so, are they entitled for regularisation ?

5. The sponsoring union in order to prove that there is relationship of employer and employee in between the management and the concerned persons have examined WW-1—Ram Singh, one of the contractors, who has clearly stated that he was labour supplier at Dugda Coal Washery in the name of his firm, Balraj Construction Company. He has further stated that the Engineer and Supervisor of the Washery used to specify in the morning the number of labourers which they required and he used to send such number of labourers who were doing the job of plant cleaning. He has further stated that for entry into the premises of the washery gate pass for every month used to be prepared in the name of the labourers. Every day the management used to issue a slip mentioning the name of labourers engaged for the job inside the washery premises. The management also used to get monthly list of labourers engaged by them and on that basis the management used to make payment of wages to the concerned persons and

this witness used to get 15% as commission in addition to the wages of the workers. He has produced and proved zerox copy of gate passes duly signed by the officer of the washery and C.I.S.F. which have been marked Ext. W-1 series. He has also proved zerox copy of payment sheets of the concerned persons and attendance register-cum-payment register marked Exts. W-2 and W-3 series. Besides that he has proved zerox copy of the work order issued to this witness. In cross-examination he has further stated that he used to get work-order on monthly basis. Regarding gate pass he has said that original gate passes were used to be deposited in the C.I.S.F. He has clearly stated that the work of the concerned persons was being supervised by the Supervisor and Engineer of the washery. From the documents proved by this witness it is clear that the concerned persons were regularly working in the Dugda Coal Washery as plant cleaning mazdoor.

6. WW-2—R.D. Yadav is Sr. Store Keeper at Dugda Coal Washery and also General Secretary of the sponsoring union, who has clearly stated that the concerned persons were doing the job of plant cleaning which is under prohibited category of job under Contract Labour (Regulation & Abolition) Act. He has proved duplicate copy of attendance books which were prepared in duplicate for noting the attendance of the concerned workmen every day. The original copy of the same was being retained by the management and duplicate copy used to be remained in the custody of the workmen. He has further said that duplicate attendance books contain signature of Supdt. Engineer, D. Narain and B.C. Jha who are at present Sr. Executive Engineer. He has further said that there is signature of Cleaning Supervisor also in the duplicate attendance books, besides the signature of Chargeman, N. K. Jha, K.K. Mukherjee, Salauddin etc. In all 9 such attendance books have been filed which have been marked Ext. W-5 to W-5/8. These attendance books which contain the signature of the officers of the Coal Washery also go to show that the concerned persons were regularly working continuously in the Dugda Coal Washery as plant cleaning mazdoor and their attendance used to be more than 240 days in a calendar year.

7. WW-3—Achelal Mahto is one of the concerned workmen and he has stated that they had been working as plant cleaning mazdoor from 1981 to 1992 and when they made demand for regularisation and reinstatement in the job they were stopped from service from 1992, without compliance of the legal provisions. From the evidence of WW-2 and WW-3 it appears that their demand for reinstatement and regularisation was not conceded and then they have raised the present dispute.

8. From the evidence of these three witnesses examined on behalf of the sponsoring union and the documents filed by the union it is clear that the concerned persons were working as plant cleaning mazdoor in Dugda Coal Washery which is prohibited category of job and their work was being supervised by the management, but the payment of wages was being made through some

contractors. The management has not filed any registration certificate regarding registration of the management as principal employer for engagement of contractor nor they have produced any licence of the contractor. The management has not even filed attendance register, wage-sheet and gate pass register which were directed to be filed by this Tribunal on request of the sponsoring union. Therefore, it shall be presumed that the management has suppressed those documents and therefore adverse inference will have to be drawn against the case of the management.

9. The management has examined only one witness who is MW-1—J.S. Srivastava who is Superintending Engineer at Dugda Coal Washery. He has come to say that none of the concerned persons had worked in the said Coal Washery. However, he has admitted that the management issue Identity Card, Gate pass to permanent employees and the contract workers are also required to have gate pass to work inside the plant. He has stated that the concerned persons might be contractor workmen who was entrusted with some civil construction work outside the washery premises. However, in cross-examination he has admitted that contract job was assigned to Balraj Contractor and Ram Singh (WW-1) was also a contractor. Besides that Raj Enterprises and Boby Engerprises were also contractors. He has admitted that in the wage-sheets by which payment of wages were made by the contractor to its workmen was also signed by the management representative. He has admitted that in Ext. W-2 series there is signature of the management representative. He has also admitted that there is signature of management representative in Ext. W-3. He has admitted that they preserve the copies of application by which gets passes are issued to the contractor's workers and records of gate passes issued are also maintained in the washery. He has admitted that those documents are available with the management but yet the management has not filed the same.

10. From the evidence of the sponsoring union as well as from the evidence of the management it is clearly established that the concerned persons were engaged in plant cleaning job which is prohibited category of job and they were continuously working from 1981 upto sometime in the year 1992, but they have been illegally stopped from work without compliance of the legal provision as contained under Sec. 25-F of the Industrial Disputes Act, therefore, the action of the management in stopping work to the concerned persons without complying of Sec. 25-F of the I.D. Act is not justified.

11. MW-1 has come to say that now the management has got surplus plant cleaning workers because one unit of the washery is closed, but the management has not filed any paper showing the closure of one unit of the washery nor they have taken this plea in their written statement. At no point of time the management has filed any application stating that one unit of the washery is closed therefore they have got surplus plant cleaning

mazdoor. Therefore, in absence of such documents and plea it is difficult to believe that one plant of the washery has been closed.

12. From the discussions made above, I find that the demand of the sponsoring union for regularisation of the services of Nand Kishore Singh and 42 others, as per list enclosed in the reference order, by the management of Dugda Coal Washery of M/S. B.C.C. Ltd., is justified and they are entitled for regularisation as permanent plant cleaning mazdoor under the management of Dugda Coal Washery. They are also entitled for reinstatement into service but without back wages.

13. In the result, I render following award.

The demand of the union for regularisation of Nand Kishore Singh and 42 others, whose names find place in the list enclosed in the reference order, by the management of Dugda Coal Washery of M/S. B.C.C. Ltd. is justified and the concerned workmen are entitled for reinstatement into employment as plant cleaning mazdoor and regularisation as permanent plant cleaning mazdoor. The management is directed to implement this award within 30 days from the date of publication of the award.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 21 अप्रैल, 2006

का.आ. 1974.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 29/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-4-2006 को प्राप्त हुआ था।

[स. एल-20012/358/1995-आई आर (सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 21st April, 2006

S. O. 1974.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 29/1993) of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-II now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 21-4-2006

[No.L-20012/358/1995-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD
PRESENT

Shri B. Biswas, Presiding Officer

In the matter of a reference U/s. 10(1)(d) (2A) of the
Industrial Disputes Act, 1947.

Reference No. 29 of 1993

PARTIES: Employers in relation to the management of Sudamdhil Shaft Mine of M/s. B.C.C. Ltd. and their workman.

APPEARANCES:

On behalf of the workman : Shri K. N. Singh, Advocate

On behalf of the employers : Mr. B. M. Prasad, Advocate

State : Jharkhand Industry : Coal.

Dated, Dhanbad the 29th March, 2006

AWARD

1. The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-20012/358/95-IR (Coal-I), dated, the 20th November, 1996.

SCHEDULE

“Whether the action of the management of Sudamdhil Area of M/s. BCCL in denial of allowing Sh. Rajgirih to join his duty is legal and justified ? If not, to what relief is the said workman entitled ?”

2. The case of concerned workman according to Written Statement submitted by the sponsoring Union on his behalf in brief is as follows :—

The sponsoring Union submitted that the concerned workman got his appointment in the year 1980 being son-in-law of Smt. Shanti Bourin who was an employee of South Tisra Colliery. They alleged that Disciplinary Authority issued a chargesheet bearing No. 8361 dtd. 13-9-87 against the concerned workman alleging that he obtained service under the management by way of fraudulent means claiming himself as son-in-law of Smt. Shanti Bourin knowing fully well that he had no manner of relationship with her. They alleged that after rendering continuous service for a period of seven years the management brought that baseless allegation against him. However, he submitted reply to the said charge sheet denying the allegations brought against him but management without accepting his reply initiated domestic enquiry against him and thereafter based on the report of the enquiry officer dismissed him from service w.e.f. 22/23-3-90 illegally arbitrarily and violating the principle of natural justice. Thereafter he submitted representations to the management with prayer for his reinstatement but to no effect and for which he raised Industrial dispute before the ALC (C), Dhanbad for conciliation which ultimately resulted reference to this Tribunal for adjudication.

Sponsoring union accordingly on behalf of the concerned workman submitted prayer to pass award directing the management to reinstate him in service from the date of his dismissal with full back wages and other consequential relief setting aside that order of dismissal.

3. Management on the contrary after filing Written Statement-cum-rejoinder have denied all the claims and allegations which the sponsoring Union asserted in the Written Statement submitted on behalf of the concerned workman.

They submitted that the concerned workman posed himself as dependent son-in-law of Smt. Shanti Bourin/ Shanti Bhuini got his employment at South Tisra Colliery after her death in the year 1980 as per the provision of N.C.W.A.

They disclosed that in the year 1987 it was found that concerned workman was not the son-in-law of the aforesaid concerned lady and for which he was not entitled to get employment in her place on compassionate ground. They submitted that it was exposed that the concerned workman is the son-in-law of Rajnarain Singh an important officer bearer of Janta Majdoor Sangh. Moreover, he was found to be cousin brother of Sri Tejnara Singh, the Sarpanch who have false certificate to the concerned workman describing him as son-in-law of Smt. Shanti Bourin/Bhuini. They alleged that he dropped his title “Singh” in order to avoid his actual identification and his relationship with Sri Rajnarain Singh, the local leader of Janta Mazdoor Sangh under whose direct connivance he got service.

They submitted that the name of the wife of the concerned workman is Smt. Sabapati Devi who happens to be the sister-in-law of his elder brother Rajdeo Singh. Accordingly it was cut an out a false claim that he was son-in-law of Smt. Shanti Bourin. The allegation in issue was duly enquired into by the Security Department as well as by the Vigilance Department and a chargesheet dt. 12/13-9-87 was issued to him for his false declaration that he was son-in-law of Smt. Shanti Bourin and got his employment disclosing that relationship. They submitted that after receipt of the said chargesheet concerned workman submitted his reply denying all the charges brought against him. But as his reply was not satisfactory a domestic enquiry was initiated against him. It has been submitted by the management that in course of hearing the enquiry officer gave the concerned workman full opportunity to defend his case properly. After completion of that enquiry the said Enquiry Officer submitted his report holding the concerned workman guilty to the charges brought against him. The Disciplinary Authority considering all aspect dismissed the concerned workman from service,

Management accordingly submitted prayer to pass Award rejecting the claim of the concerned workman/ sponsoring union.

4. POINTS TO BE DECIDED

“Whether the action of the management of Sudamdhil Area of BCCL in denial of allowing Sh. Rajgirih to join his duty is legal and justified ? If not, to what relief is the said workman entitled ?”

5. FINDING WITH REASONS

It transpires from the record that before taking up hearing of this case on merit it was taken into consideration on preliminary point if domestic enquiry held against the concerned workman was fair, proper and in accordance with the principle of natural justice. The said issue on preliminary point was disposed of *vide* Order No. 35 dtd. 8-12-2005 in favour of the management.

Now on merit it is to be taken into consideration whether the management have been able to substantiate the charge brought against the concerned workman and if so whether there is scope to review the order of dismissal in view of the provision as laid down U/s. 11A of the I.D. Act., 1947.

Considering the materials on record there is no dispute to hold that Smt. Shanti Bourin/Bhuini was an employee of South Tisra Colliery. There is no dispute to hold that the concerned workman claiming himself to be dependent son-in-law of said Smt. Shanti Bourin/Bhuini got his employment under the management in the year 1980 on compassionate ground as per provision of N.C.W.A. It is the specific claim of the concerned workman that he was son-in-law of Smt. Shanti Bourin/Bhuini but management taking false plea denying his relationship with said lady after performing service continuously for seven years issued a charge sheet to him and disbelieving his reply initiated domestic enquiry against him. Thereafter, based on the report of the enquiry officer dismissed him from service illegally and arbitrarily violating the principle of natural justice.

On the contrary it has been specifically asserted by the management that during enquiry conducted by the Security Department as well as Vigilance Department it exposed that concerned workman's actual name is Rajgirih Singh who is son-in-law of Rajnaraian Singh and important officer bearer of Janta Mazdoor Sangh and Cousin brother of Tejnaraian Singh, the Sarpanch who gave him a false certificate disclosing that he was son-in-law of Smt. Shanti Bourin/Bhuini. To get employment fraudulently he also omitted his title and identified himself as Rajgirih son-in-law of Smt. Shanti Bourin/Bhuini.

As prima facie case was made out management issued a chargesheet to him dt. 12/13-9-87. Concerned workman after receipt of the chargesheet submitted his reply denying the charges brought against him. During hearing the chargesheet and its reply given by the concerned workman were marked as Ext. M-1 and M-2 respectively.

It is admitted fact that concerned workman got his employment under the management on compassionate ground as per provision of NCWA after the death of his mother-in-law Smt. Shanti Bhuini/Bourin wife of Maharaj Bhuiya. According to management as he obtained employment by fraudulent means a chargesheet was issued to him and based on the same a domestic enquiry was initiated. During hearing of enquiry proceeding apart from submitting certain documents including report of the District Magistrate, Mungyer management examined two witnesses viz. H.S. Airy, Senior Security Officer as MW-1 and P.S. Ramchandran, Asst. Chief, Vigilance Officer as MW-2. On the contrary the concerned workman examined three witnesses i.e. WW-1 to WW-3. WW-1 is Maharaj Bhuiya who claimed himself as father-in-law of the concerned workman. MW-1 at the time of his examination by the Enquiry Officer disclosed that during enquiry conducted by the Security Department revealed that actual name of

the concerned workman is Rajgirih Singh not Rajgirih and he is son-in-law of Sri Raj Narain Singh who is an active office bearer of Janta Mazdoor Sangh. It has been further disclosed by the witness that Sarpanch Tejnaraian Singh who issued a false certificate in the name of the concerned workman that he is son-in-law of Smt. Shanti Bourin is his cousin brother.

From the statement of MW-2 i.e. P.S. Ramchandran which was recorded by the enquiry officer reveals that an enquiry was conducted by S.P. Chapra and the report submitted on that part vide letter No. CB/84-87/66 Date 13-1-88 exposed that concerned workman was already married and the name of his wife is Sabapati Devi and her name were enrolled in the voter list in Serial No. 99. During that enquiry address of Smt. Shanti Bourin given by the concerned workman was also verified and found that no such lady named Smt. Shanti Bourin ever lived in that village. During that enquiry it further revealed that Smt. Sabapati Devi wife of Rajgirih is sister-in-law of his elder brother Rajdeo and accordingly it established that the concerned workman did not marry and daughter of Smt. Shanti Bourin.

On the contrary the concerned workman at the time of giving his statement to the enquiry officer disclosed that he himself and Smt. Sabapati Bourin daughter of Smt. Shanti Bourin were employees under a Contractor and at that time they fell in love with each other. Thereafter it was Maharaj Bhuiya husband of Smt. Shanti Bourin arranged for their marriage in the year 1970 and since then they are living as husband and wife. He further disclosed that in the year 1979 said Shanti Bourin died and her husband i.e. His father-in-law Maharaj Bhuiya nominated him for his employment under the management. During his cross-examination he admitted that by caste he is "Rajput" and though there is no system in their society for inter caste marriage subsequently his marriage with Sobapati was accepted by his society and family members.

WW-1 i.e. Maharaj Bhuiya husband of late Shanti Bourin during giving his statement admitted that his daughter Sobapati Devi married the concerned workman and after the death of his wife his said son-in-law was offered with the employment by the management on compassionate ground. WW-2 and WW-3 in course of giving their statement corroborated the facts disclosed by Maharaj Bhuiya and admitted that Smt. Sobapati Devi is the wife of the concerned workman who is daughter of Maharaj Bhuiya. Apart from giving statement the concerned workman relief on a certificate issued by Gram Panchayet of village Karanpur wherein it was mentioned that he married a woman of backward class.

If the statement of the concerned workman and MW-1 i.e. alleged father-in-law of the concerned workman are taken into consideration it will expose that the concerned workman being dependant of late Shanti Devi got his employment under the management on compassionate ground. In this connection two vital ingredients are required to be considered i.e. Smt. Sobapati Devi was the daughter of Shanti Devi and the concerned workman was dependent

on her during her life time. It is to be borne in mind that the concerned workman is by caste Rajput while late Shanti Devi was of Tribal Community. There is no system in Rajput community to arrange marital ties with any member of Tribal community due to rigid stand of that society. Accordingly absolute burden rests on the concerned workman to establish that he being a member of Rajput community married a lady of Tribal community. In course of hearing the concerned workman has failed to produce any authentic document in support of his claim. Accordingly in absence of any such cogent paper it is difficult to accept such contention of the concerned workman. Next important aspect which is required to be considered is whether Smt. Sobapati Devi was daughter of late Shanti Devi. WW-1 i.e. husband of Shanti Devi at the time of giving his statement before the Enquiry Officer disclosed that Smt. Sobapati Devi was his daughter. Excepting that oral statement he has failed to produce any authentic paper to show that said Smt. Sobapati was his daughter. The picture would have been clear if said lady Smt. Sobapati was produced as witness before the Tribunal in course of hearing but the sponsoring union did not consider necessary to produce her as witness. Suspicion grew up as it exposed during vigilance enquiry that real name of the concerned workman is Raj Giri Singh and not Rajgiri. He got his appointment under the management disclosing his name as Rajgiri and not Rajgiri Singh. Concerned workman has failed to give any satisfactory explanation to that effect. Therefore, there is sufficient reason to believe that he concealed his actual name with malafide intention to mislead the management for getting his employment illegally. In this connection statements given by MW-1 and MW-2 before the E.O. may be taken into consideration with all importance. These two witnesses vividly described how the concerned workman got his employment by false misrepresentation and giving false declaration. It is astonishing to note that though full opportunity was given to him the concerned workman declined to cross-examine those witnesses. This means that the facts disclosed by MW-1 and MW-2 stands. No doubt that by adducing evidence on his part he tried to deny the charges brought against him but in view of my discussion above I hold that the same in no circumstances could be considered as authentic evidence which could be relied on ignoring the facts disclosed by the management in course of hearing before the Enquiry Officer.

After careful consideration of all the facts and circumstances I hold that management in course of hearing have been able to substantiate the charge brought against the concerned workman.

It transpires from the record that Disciplinary authority after considering enquiry report and all other aspects dismissed the concerned workman from his service. The letter of dismissal during hearing was marked as Ext. M8.

Now the point for consideration is if there is any scope to review the order of dismissal issued against the concerned workman by the Disciplinary Authority invoking

the provision as laid down in section 11A of the I.D. Act., 1947.

Section 11A of the I.D. Act., 1947 speaks as follows:—

“Where an industrial dispute relating to the discharge or dismissal of a workman has been referred to a Labour Court, Tribunal or National Tribunal for adjudication and, in the course of the adjudication proceedings, the Labour Court, Tribunal or National Tribunal, as the case may be, is satisfied that the order of discharge or dismissal was not justified, it may, by its award set aside the order of discharge or dismissal and direct reinstatement of the workman on such terms and conditions if any, as it thinks, fit or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require.”

Therefore, according to this provision it is to be looked into whether order of dismissal issued against the concerned workman was justified and proportionate to the misconduct committed by the concerned workman.

Considering the record there is no dispute to hold that Smt. Shanti Bourin/Bhuiya was a female worker under the management. She died in the year 1979 and after her death by false misrepresentation claiming himself as son-in-law of said Shanti Bourin/Bhuiya the concerned workman procured his employment. Subsequently when such offence was detected management issued a chargesheet to him for committing misconduct under clause 17 (1) (a) and (o) of the Certified Standing Orders. After receipt of the said chargesheet the concerned workman submitted his reply but as that reply was not satisfactory management initiated domestic enquiry against him and in course of hearing of the enquiry proceedings full opportunity was given to him to defend his case. In view of my discussion above it has exposed clearly that management have been able to substantiate the charge brought against him. There is no dispute to hold that by false representation the concerned workman procured his employment and thereby cheated the management. As the charge established against the concerned workman was serious in nature management dismissed him from service. Considering all aspects carefully there is no scope to say that management illegally arbitrarily and violating the principle of natural justice dismissed him from service. I, therefore, hold that order of dismissal issued against the concerned workman was absolutely justified and proportionate to the misconduct, committed by him and for which he is not entitled to get any relief.

In the result, the following Award is rendered :—

“The action of the management of Sudamdh Area of M/s. BCCL in denial of allowing Sh. Rajgiri to join his duty is legal and justified. Consequently, the concerned workman is not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 21 अप्रैल, 2006

का. आ. 1975.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 50/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-04-2006 को प्राप्त हुआ था।

[सं. एल-12011/261/2002-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 21st April, 2006

S.O. 1975.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 50/2003) of the Central Govt. Indus. Tribunal-cum-Labour Court No. 1, as shown in the Annexure, in the industrial dispute between the management of Punjab National Bank and their workmen, received by the Central Government on 20-04-2006.

[No. L-12011/261/2002-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

**BEFORE SHRI SANT SINGH BAL : PRESIDING
OFFICER : CENTRAL GOVT. INDUSTRIAL
TRIBUNAL -CUM-LABOUR COURT NO. I:
NEW DELHI**

I. D. No. 50/2003

In the matter of dispute between :

The Deputy General Secretary,
Punjab National Bank Employees' Union (U.P.),
Branch Office Mohan Nagar,
Gaziabad (U.P.)

Workman

Versus

The Regional Manager,
Punjab National Bank,
C/o Zonal Office, LIC Building,
Saket, Meerut (U.P.)

Management

Appearances : None

AWARD

The Central Government in the Ministry of Labour vide its order No. L-12011/261/2002- (IR (B-II) dated 16-4-03 has referred the following industrial dispute to this tribunal for adjudication :

“Whether the action of the Regional Manager, Punjab National Bank Meerut in reverting Shri R.K. Chohan workman from Head Cashier Category 'E' to the post of Clerk/Cashier w.e.f. 16-7-2002 is just, fair and legal? If not, to what relief he is entitled to?”

2. Brief facts of this case as culled from record are that the claim in question has been preferred by the the Punjab National Bank Employees Union admittedly registered under Trade Union Act, 1956 and claiming itself to be competent to espouse the cause of its aggrieved workman R.K. Chohan who joined the Punjab National Bank, E.N.B.I. (Erstwhile New Bank of India) during the month of August, 1981, and transferred from Delhi to Western U.P. Zonal Office in November, 93 and joined on 7.7.97 at Zonal Office Meerut after a gap of 1339 days. He sought for grant of sanction of his leave but his leave were not regularized, though absence of some employees for the aforesaid period of absence was regularized and they were given benefit of priority mark in seniority for such promotion. He (workman) was promoted from the post of clerk/cashier to Head Cashier Category A in 1999 which post carried special allowance of Rs. 351 P.M. over and above his usual pay, he reasonably believed that his absence of 1339 days had been regularized as has been done in case of other employees. he also claims tha he was offered promotion to the post of C.T.O. in 2001 which was revoked by the management on the ground of absence of 1339 days and he was not held entitled to the priority marks for purposes of promotion for the said period as the offer of promotion to the post of C.T.O. had been given by mistake. He represented against the same but of no use. However, he continued in the said post of Head Clerk Category A. The post of Head Clerk carried a special allowance of Rs. 351 PM while that of C.T.O. carried special allowance of Rs. 700 PM. It is further stated that the management promoted R.K. Chohan in April, 2002 to the post of Head Cashier Category E which post carried a special allowance of Rs. 906' over above his usual pay i.e. there is a difference of Rs. 555 PM in the post of Head Cashier Category A and Head Cashier Category E though the nature of work is similar and most of the Head Cashier Category A post has been upgraded as Head Cashier Category E post. He was served with notice under section 9A of the I.D. Act in June 2002 inofrming him that he could not be given priority marks for the period of alleged absence of 1339 days for recovering his seniority for promotion to the post of Head Cashier and he was liable to be reverted to the post of the clerk/cashier. The workman as well as the union represented against the same. The union raised the matter before Assistant Commissioner Dehradun who initiated conciliation proceedings and the attention of the management to the provision of section 33 I.D. Act against change of condition during pendency of conciliation proceeding initiated by Labour Commissioner was attracted but of no avail and conciliation proceedings resulted in failure. The action of

the management in reverting the workman from the post of Head Cashier E on which he had been working from April, 2002 to July, 2002 and so depriving him of the special allowance of Rs. 906 which he had drawn from 13-4-2002 to July 2002 and Rs. 351 PM (Supra) which he was drawing from 99 to 12-4-2002 when he was upgraded from Head Cashier Category A to the post of Head Cashier Category E is wrong, motivated, arbitrary and discriminatory. In view of the above stated facts it is averred that the action of the management in reverting the workman from the post of Head Cashier Category E to the post of Clerk/Cashier w.e.f. 16-7-2002 even during the pendency conciliation proceedings is not just, fair and legal and the same is illegal and is sought to be declared as such with the direction to the management to give benefit of special allowance to which he is entitled to under law.

3. Claim preferred by the workman was contested by the management by filing written statement rasing preliminary objections that the dispute in question has not been duly and validly espoused as required under the provisions of I.D. Act, 1947 as the same has not been preferred through General Secretary of the Union who is competent to file and raise the matters before the authority concerned. It is stated by way of preliminary objection that the service conditions of the workman staff in the banking industries including R.K. Chohan are governed by Sastry and Desai Award and various Bipartite Settlement. A settlement was arrived at during the conciliation proceedings between the bank of India, P.N.B. Employees Federation a majority of workmen union as to determine seniority of employees in clerical cadre on 1st of each year for purpose on filling up. The post carrying special pay in the Clerical Cadre. In terms of the said settlement a clerical employee is entitled for one priority mark for every completed year of service as on 1st January of a given year and the period for which person remains absent or is on is on extraordinary leave on loss of pay, the said period is to be deducted before giving priority marks for length of service to a clerical employees. Management further stated that the workman R.K. Chohan admittedly remained absent from his duty from 9-11-93 to 8-7-97. Accordingly he was not entitled to the priority marks for the said period of absence, in view of the said settlement. Workman was given priority marks on the length of service without deducting the said period inadvertently while filling up the post carrying special pay including that of Head Head Cashier Category E and when the mistake was detected the matter was looked into by the bank and it was observed that even the post of Head Cashier Category A was also inadvertently offered to Shri Chohan by wrongly giving him benefit of service for the aforesaid period of absence and the bank had withdrawn the special pay attached to the post of Head Cashier Category E in the Clerical Cadre by giving notice under section 9-A of the I.D. Act and accordingly he stood re-designated as Clerk cum Cashier.

4. On merits, it is admitted that the Union (through which) the claim is espoused is registered under Trade Union Act 1926 but the espousal of the dispute is not in accordance with the provision of the I.D. Act as the Deputy General Secretary is not empowers to raise and espouse the dispute. The other contents are matter of record. However, it is denied that the guidelines dated 16-3-93 were violative, and the allegations in this regard are irrelevant to the dispute. It is admitted that some of the union challenged the guidelines dated 16-3-93 before the various High Courts and the said guidelines were ultimately upheld by the Supreme Court vide judgement dated 2-11-97. It is denied that in the said judgement the Supreme Court has observed that in case of any of the redeployed person had any grievance as to the deployment order being inconsistent with the transfer guidelines, it would be open to him to make a representation to the bank for consideration. And the representations received from redeployed employees of E.N.B.I. were duly considered and replied to. It is stated that redeployed staff was bound to report to their transferee offices in compliance of the transfer order issued. Whatever change of deployment was warranted the same was made. However, it is submitted that the period for which deployed employees of E.N.B.I. did not report for their duties at transferee office they have been treated as absent with its obvious natural consequences. It is an admitted fact that R.K. Chohan workman joined Zonal Office Meerut on 9-7-97 and the posting of clerk cum cashier and Head Cashier A category is not a promotion as alleged. The said post of Head Cashier A Category is also clerical cadre which attracts payment of special pay. Shri R.K. Chohan was wrongly made Head Cashier Category A inadvertently giving him benefit of period of absence w.e.f. 9-11-93 till 8-7-97. Representation given by the workman were misplaced/misconceived.

5. However, on account of being posted and functioning on the said post does not create any right in favour of the workman and his continuation either as Head Cashier Category E or A would have been in violation of the settlement arrived at. This contention as Head Cashier E and A have been in violation of the settlement arrived at during the course of conciliation proceedings warranting panel provisions under the I.D. Act. It is denied that the workman was designated as clerk-cum-cashier during pendency of conciliation proceedings on 16-7-02 when he was designated as clerk-cum-cashier no conciliation proceedings as alleged or otherwise were pending and his designation as clerk-cum-cashier is in accordance with the settlement and law. It is denied that the action of the management in redesignating the workman as clerk cum cashier is illegal or that the workman is entitled to the relief claimed.

6. Written statement was followed by replication wherein the controverted pleas were refuted while those of the claim statement were reiterated to be correct.

7. After pleadings of the parties following issues were framed:

1. Whether the dispute referred to amount to Industrial Dispute? If so its effect? OR
2. Whether the dispute has been raised or espoused through duly authorized person? If not its effect? OR
3. Whether the Dy. G. S. is authorized to file statement of claim on behalf of the petitioner? If not its effect.
4. As in terms of reference?

8. After framing of issues the case was posted to 17-3-05 for evidence of the workman by way of affidavit and filing document by the workman and he was also directed to supply advance copy of affidavit in evidence to the management and the matter was adjourned to 17-3-05. On 17-3-05 none appeared for the workman as well as for management and the matter was again posted to 11-5-05 for evidence of the workmen. On 11-5-05 workman with his A.R. Shri Bharat Bhushan appeared and filed list of additional documents with copies of affidavit in his evidence and thus adduced evidence by way of affidavit. Copy was given to the management and matter was adjourned for cross-examination to 14-6-05 at the request of the workman. A/R of the management also appeared thereafter and he was supplied copy. On 14-6-05 again A/R for the workman requested for adjournment and the case was adjourned to 1-9-05 for cross-examination of the workman and filling additional affidavit if any. On 1-9-05 none appeared on behalf of the workman. However, J.K. Chadha A/R for the management appeared and the case was again adjourned to 12-1-06 for cross examination of the workman and for additional evidence of the workman. On 12-1-06 none appeared and the case was again adjourned for above said purpose to 15-2-06. On 15-2-06 none appeared for the workman. However, A/R for the management appeared and workman was given last opportunity to adduce evidence on 28-2-06. It was observed in the order sheet dated 15-2-06 that in case the workman failed to turn up on the next date on 28-2-06 the case shall be decided in his absence. On 28-2-06 none appeared and the case was adjourned to 24-3-06 as no time was left and it was 6 PM and the matter was adjourned to 3-4-06 for evidence of the workman and for passing appropriate order but on that date also none appeared. From the above order sheets it is apparent that the workman is not interested in prosecution of his claim and as he has not been appearing to adduce evidence. His non appearance goes to show that he has no defence to offer against impugned action of his reversion from the post and does not dispute the same any longer. Hence No Disput award is accordingly passed. File be consigned to record room.

Dated: 5-4-06

S.S. BAL, Presiding Officer

नई दिल्ली, 21 अप्रैल, 2006

का. आ. 1976.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, नई दिल्ली के पंचाट (संदर्भ संख्या 13/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-04-2006 को प्राप्त हुआ था।

[सं. एल-12011/249/2000-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 21st April, 2006

S.O. 1976.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 13/2001) of the Central Govt. Indus. Tribunal-cum-Labour Court No. 2, New Delhi as shown in the Annexure, in the industrial dispute between the management of Punjab National Bank and their workmen, received by the Central Government on 20-04-2006.

[No. L-12011/249/2000-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. -II, NEW DELHI

Presiding Officer : R.N. RAI

I. D. No. 13/2001

In the matter of :

The General Secretary,
Punjab National Bank Workers' Organization,
898, Nai Sarak, Delhi-110006

Versus

The Chief Manager,
Punjab National Bank,
Chandni Chowk,
Delhi-110006

AWARD

The Ministry of Labour by its letter No. L-12011/249/2000/IR (B-II) Central Government Dt. 29-01-2001 has referred the following point for adjudication.

The point runs as hereunder :—

“Whether the action of the management of Punjab National Bank in denying the full time scale wages to Smt. Shyamo, Permanent Part-Time Sweepers w.e.f.

February 1994 is justified? If not, what relief is the workman entitled?"

The workman applicant has filed statement of claim. In the statement of claim it is stated that Smt. Shymo is working as Part-time permanent sweepress and is posted at BO Chandni Chowk, Delhi. She is a member of this organization.

That despite the repeated oral reminders by Smt. Shymo, the Chief Manager, BO Chandni Chowk has not made full time payment to her thus even violating Bank Regional Office instructions as well as settlements/awards operating in the Banking Industry.

That there were two full time sweepers working in the Chandni Chowk Branch e.g. Sh. Baljit and Sh. Ramphal. Shri Baljit retired from Bank service and in his place one Smt. Sarla was posted. Second sweeper Ramphal was promoted and transferred.

That ENBI was merged in our Bank in September 1993 and its branch Fatehpur was merged in our Chandni Chowk Branch in February 1994. Smt. Shymo was working in Fatehpuri Branch as Permanent Part-Time sweepress on 1/2 basis and she was also shifted to BO Chandni Chowk Branch.

That Smt. Shymo was being paid wages at the rate of ½ of the wage scale whereas one purely Temporary Sweeper was paid full wages surpassing Smt. Shymo part-time permanent sweepress. In the Chandni Chowk Branch there were two posts of Permanent Sweepers, one full time i.e. Smt. Sarla and another on ½ time Smt. Shymo and one purely temporary on full wages.

That as per BPS Smt. Shymo was to be given full time wages as there exists a full time vacancy. Smt. Shymo made several oral requests to the Chief Manager, BO Chandni Chowk to give her full time wages but in vain. On 11-5-1995 she gave a written request also but the Chief Manager did not pay any heed to her request and continued temporary employee on full time wages.

That similar requests were made to Regional Office also and the Regional Office in March 1995 and July 1995 gave clear instructions to pay her full time wages but the instructions were not carried out by the Chief Manager, BO Chandni Chowk. Instead a temporary sweeper continued to get full time wages till December, 1998.

That Smt. Shymo again requested in writing to the Chief Manager on 21-5-1998 for full time salary from February, 1994 but the Chief Manager remained indifferent to her request. Then Smt. Shymo approached the organization with a copy of the letter and requested the organization to get her justice.

That the General Secretary of the organization approached the Sr. Regional Manager, North Delhi on 13-7-1998 by a letter enclosing the request of the aggrieved employee for justice.

That acting on the representation of the union the Sr. Regional Manager, Delhi faxed instructions to the Chief Manager, BO Chandni Chowk on 19-9-1998 thereby clearly instructing him : "It has been brought to our notice that Smt. Shymo who is a permanent part time sweepress at half scale wages at your branch is being deprived of the full time work which can be offered to her as there is a full time vacancy that exists in the branch and the full time work is being done from another temporary sweeper. You are advised to stop this practice forthwith and give chance to Smt. Shymo first."

That despite clear instructions from the Sr. Regional Manager, North Delhi, the Branch Manager did not pay the full time salary from February, 1994 to Smt. Shymo. From the facts given above, it is clear that the Chief Manager kept all the rules and instructions in abeyance and deliberately denied Smt. Shymo of her legal right to get full time wages which is against all canons of justice. It is therefore prayed that Smt. Shymo be paid full scale wages from February, 1994 and she should also be paid interest on the arrears @ 12.25% till the arrears are paid.

The management has filed reply to the claim. In the reply it has been stated that the so called dispute has not been duly and validly espoused as required under the provisions of Industrial Disputes Act, 1947 and accordingly what has been referred to the Tribunal cannot be termed as Industrial Dispute as envisaged under the said Act.

Smt. Shymo Devi was appointed in the Bank on 16-11-1982 at BO Fatehpuri, Delhi of erstwhile New Bank of India. Upon merger of New Bank of India with Punjab National Bank, the Fatehpuri Branch of ENBI was merged with BO Chandni Chowk of Punjab National Bank. There were two full time sweepers, Shri Baljit and Shri Ramphal at BO Chandni Chowk, who were retired and promoted respectively. Upon merger of BO Fatehpuri with BO Chandni Chowk, Smt. Shymo Devi was working at BO Chandni Chowk at the same scale wages that were previously drawn by her. One full time sweepress named Smt. Sarla was also provided at BO Chandni Chowk and additional work, if any was got done from others and payments made to them through the salary bill, as per bank's guidelines. It is submitted, thus, as against the vacancy of two full time sweepers at present, only one full-time sweepress and one half time sweepress are working. As such, the vacancy of full time sweeper (against half time sweepress) is to be filled up on the basis of the seniority in terms of provisions of the Settlement dated 7-9-1984 (Copy enclosed) arrived at between the All India PNB Employees Federation (AIIPNBEF) and the Bank. The

process of filling up the full time vacancy is to commence shortly. Since the vacancy of full time sweeper at BO Chandni Chowk is to be filled up upon city seniority basis, the claim of the union is devoid of any merit.

It is further submitted that in terms of provisions of the BPS the permanent vacancy of full time sweeper is to be filled upon city seniority basis. Till the vacancy of permanent full time sweeper is filled on city seniority basis, the additional sweeping work was got done from the temporary sweeper, as per the requirement of the branch. It is denied that there was violation of any settlements/awards or any guidelines.

It is correct that Shri Baljit retired from service and Shri Ramphal two full time sweepers were posted at BO Chandni Chowk, Delhi. It is also correct that Shri Baljit retired from service and in his place Smt. Sarla permanent full time sweepers was posted at BO Chandni Chowk, Delhi. It is also that Shri Ramphal full time sweeper got promoted and therefore, was transferred to another branch.

It is a fact that upon merger of BO Fatehpuri (ENBI) with BO Chandni Chowk (PNB), Smt. Shyamo was posted at BO Chandni Chowk and she started working at the same scale wages i.e. half scale wages, on which she was working before.

It is correct that there were two permanent full time sweepers before the joining of Smt. Shyamo. It is also correct that Shri Ajay, temporary sweeper was paid at the rate of full wages as and when work was got done from him keeping in view the requirement of the Branch.

It is correct that Smt. Shyamo was paid at half scale wages. This is so, because the work proportionate to her wages was done by her. We may mention that as per the settlement dated 7-5-1984 of the Bank with AIPNBEF which was circulated to all offices of the Bank vide circular No. 772 dated 17-5-1984, the procedure for filling up the vacancies and maintaining of seniority list of sweepers is made out. As BO Chandni Chowk required the full time sweeper, a full time sweeper was to be posted at the branch and Smt. Shyamo would have been posted elsewhere, i.e. where the requirement of a person drawing half scale wages existed. Since the full time sweeper could not be posted, Smt. Shyamo continued working at BO Chandni Chowk on half scale wages. The additional work was got done from temporary arrangements.

The representation of Smt. Shyamo was received but since the vacancy of full time sweeper was to be filled up on a city seniority basis in terms of the BPS, no action was required to be taken on her representation.

It is confirmed that Smt. Shyamo is being offered work of full time sweeper as and when opportunity for the same arises at the branch since 19-9-1998. The request of Smt. Shyamo was wholly misconceived.

It was brought to the notice of the Regional Office that a temporary sweeper is being paid at the rate of full time, the branch was advised to stop such practice.

It is reiterated that the vacancy of permanent full time sweeper is to be filled on the basis of city seniority in terms of provisions of settlement dated 7-5-1984 arrived at between the bank and the AIPNBEF. The claim of the Union as such is devoid of any merit. Further Smt. Shyamo is being offered work of full time sweeper as and when opportunity for the same arises at the branch since 19-9-1998.

It transpires from perusal of the order sheet that the workman applicant has not been turning up after filing rejoinder. Several dates have been given for filing affidavit but none has turned up. The management has been turning up all along. It further transpires that the workman is dead but none has appeared in his place. It was ordered that the LR of the workman be brought on the record but no application has been moved. Opportunity for filing affidavit has been closed.

The case of the workman is that she was part time sweeper and she has not been made permanent. The case of the management is that there are senior part time sweepers and they are to be taken as full time sweeper. The workman has not seniority to be given full time sweeper appointment. The Branch Office, Fatehpuri was merged with Branch Office Chandni Chowk. The workman was posted at Chandni Chowk and after merger of the bank the senior workman has been retained and she was removed. The workman or his heirs have not proved that the order regarding termination of the services of the workman are illegal and arbitrary.

The reference is replied thus :

The action of the management of Punjab National Bank in denying the full time scale wages to Smt. Shyamo, Permanent Part-Time Sweepers w.e.f. February, 1994 is justified.

Award is given accordingly

Date : 17-4-2006

R. N. RAJ, Presiding Officer

नई दिल्ली, 24 अप्रैल, 2006

का. आ. 1977.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल शीप ब्रिंडिंग फार्म, हिसार के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 67/92) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-04-2006 को प्राप्त हुआ था।

[सं. एल-42011/38/1991-आई आर (डी यू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 24th April, 2006

S.O. 1977.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 67/92) of the Central Govt. Industrial Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Central Sheep Breeding Farm, Hissar and their workmen, which was received by the Central Government on 24-04-2006.

[No. L-42011/38/1991-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM
LABOUR COURT CHANDIGARH**

Case No. I.D. 67/92

President Distt. Agriculture Workers Union, Street No. 5, House No. 123, Jawahar Nagar, Hissar-125001 (Haryana)

.....Applicant

Versus

The Director, Central Sheep Breeding Farm, Hissar-125001

.....Respondent

Appearance :

For the workman : Sh. Darshan Singh

For the management : Sh. Sanjay Goyal

AWARD

Passed on 27-3-06

Central Government *vide* No. L-42011/38/91/IR/(DU) dated 29-6-1992 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Central Sheep Breeding Farm, Hissar, in terminating the services of S/Shri Subhash, Suresh, Phoola, Ishwar Singh, Madan Gopal, Satwan, Ramjee Lal, Jaspal Singh, Gad Singh, Inderaj Singh, Bhahal Singh, Satish Kumar and Sh. Bahadur w.e.f. 31-1-90 is justified ? If not, to what relief the workmen concerned are entitled to?”

2. Union through the President, District Agriculture Workers Union filed the present reference No. ID 67/92 on behalf of Subhash, Suresh, Phoola, Ishwar Singh, Madan Gopal, Satwan, Ramjee Lal, Jaspal Singh, Gad Singh, Inderaj Singh, Bhahal Singh, Satish Kumar and Bahadur against

their termination, but the claim statement was filed besides these 11 workmen for one Surinder Singh Field supervisor and one Rohtas making the number as 13. The management has taken the preliminary objection that their claim is beyond the reference and not maintainable. Learned authorized representative for the workmen Shri Darshan Singh who is contesting this reference on behalf of all workmen submitted that he is pressing the claim of only 8 workmen in the above reference I.D. 67/92 Subhash and Ors. Vs. Central Sheep Breeding Farm namely Ishwar Singh, Satwan, Bahal Singh, Ramjee Lal, Jaspal Singh, Gad Singh, Inderaj Singh and Bahadur only.

3. In other cases of 137 workmen in ID 33/96 No. L-42011/42/91-IR (DU) dated 27th March, 96. Mangat Ram and Others Vs. CSBF against the same management of Central Sheep Breeding Farm Hissar also raised Industrial Disputes against their termination. Out of 137 workmen in this case, only 47 are contesting their cases separately and filed their claim statement through Shri Darshan Singh their Authorised representative. Shri Darshan Singh is the Authorised representative of all the workmen of Central Sheep Breeding Farm in all the above cases.

4. On the other hand the management of the Central Sheep Breeding Farm Hissar is being represented by one Shri Sanjay Goel Advocate in all the cases. Both the learned AR of the workmen Darshan Singh and the advocate for the management Shri Sanjay Goel submitted at bar that there is only one and the same law point involved in these cases and facts and evidence is the same. All these cases of the above workmen can be disposed off by one single award being only point of law whether the management is an industry or not and that whether the workmen completed 240 days in one calander year immediately preceding to their termination. At the request of both the parties as both submitted and filed one set of arguments in all the above referred cases, and also orally advanced one set of arguments to dispose off their entire claims.

5. As both the learned authorized representative of the workman and the management submitted that only one law point and same facts involved and these claims can be disposed off by single award on perusal of pleading, documents and oral submission and written submission made, I am of the considered view that all the above cases can be disposed off by a single award in President Distt. Agriculture Workers Union Vs. CSBF ID No. 67/92. The award passed in this case will also dispose off all other cases referred above.

6. As regards oral evidence in all workmen and Union examined WW1 Gad Singh, WW2 Phula and WW3 Satyavan, WW4 Inder Singh, WW6 Iswar Singh, WW7 Ramji Lal, WW8 Jaspal Singh, WW9 Bahadur Singh in instant case and in other cases workers examined all worker

themselves whereas the management produced and examined MW1 A.K. Malhotra in instant case and in Mangat Ram and others cases Vs. CSBF they examined one Mr. B.S. Rajpurohit.

7. In these cases workmen AR for all, Mr. Darshan Singh filed written arguments as well and also addressed orally. Workman AR submitted for all the workmen that all the workmen were engaged on the dates mentioned in their claim statements and their services were also terminated on the dates mentioned in the claim statement itself and on failure of conciliation, failure report was sent to the competent authority i.e. Ministry of Labour and then these disputes were sent to this Tribunal for adjudication. Both the parties filed affidavits and produced documents as well as oral evidence.

8. In written arguments, Shri Darshan Singh AR of the workmen submitted that all the workmen completed more than 240 days in a calendar year preceding to the date of termination and he has proved it on record for eight workers he is pressing claim in case ID 67/92 and in another cases for all workmen contesting and that all the workmen for whom he is contesting, they have completed 240 days and management has not challenged it even in written arguments and their termination is in clear violation of Section 25F of the I.D. Act 1947. Workmen also relied on the case of Azad Singh Vs. Central Sheep Breeding Farm Hissar wherein award was passed in favour of the workman by this Hon'ble Tribunal and the management preferred to file a writ petition against the above said award in the Hon'ble Punjab and Haryana High court and the Hon'ble High Court dismissed that writ petition. He also referred to RSJ 2004 page 389, RSJ 2003 (3) page 554 and order of the Hon'ble Supreme Court passed in Civil Appeal No. 106 referred in RSJ 1993 (3) page 696 on retrenchment. He also referred to two more judgements of our own High Court of Punjab and Haryana RSJ 2003 (4) page 264.

8A. Divisional Forest Officer Vs. Jagdish and others and RSJ 2005(3) page 542 State of Haryana Vs. Ram Avtar and another. Authorized representative Shri Darshan Singh also submitted in oral arguments that MW1 has admitted that no retrenchment compensation was given to the workmen at the time of termination. He also referred to Ex. M33 wherein 290 posts were sanctioned on the directions of the Hon'ble Supreme Court and as per orders of the Hon'ble Supreme Court, Out of 290 posts 279 posts were for these workmen but present petitioners/workmen were neither regularized nor taken in service. He submitted that management is an industry and that as per evidence of the workman and the management, management is earning profits and selling their products, therefore, the management is well within the ambit of industry as the institution CSBF is running in profit and such activities are akin as the

activities wherein CSBF is engaged in welfare development work and it can not be treated as falling out side the definition of industry unless it is proved inalienable sovereign functions of the State, hence it is an Industry U/S 2J of the I.D. Act. Further regarding termination, workmen have proved that they worked for more than 240 days in a calendar year preceding to the termination and hence management has violated the provisions of Section 25F of the I.D. Act and termination is void ab initio. He also submitted that in a similar case of Forest department, that forest department is not an industry repelled and forest department has been held as industry who is engaging in a welfare development work. He submitted that in case workman has not completed 240 days in a calendar year preceding to his termination and CSBF is not an "Industry" then he is out of court but workman has proved that CSBF is an industry relying on the evidence that after selling products and earning profits and law referred and all workmen may be reinstated in service with all benefits of service and back wages as their termination was in violation of Section 25F of the I.D. Act 1947.

9. On the other hand, learned counsel for the management Shri Sanjay Goel in reply to the above arguments, He submitted that management CSBF is not an industry and workmen have not completed 240 days in a calendar year preceding to their termination but did not lead any evidence regarding 240 days workmen did not work and even if proved that in CSBF workmen completed 240 days that as it is not earning profits, is not an industry, then there is no violation of Section 25F of the I.D. Act.

10. Firstly management's learned counsel Shri Goel submitted that in the case of President District Agriculture Workman Union Vs. Director CSBF Hissar I.D. No. 67/92, workmen authorized representative Shri Darshan Singh is contesting this case for workmen (1) Ishwar Singh, (2) Satwan, (3) Ramji Lal, (4) Jaspal Singh, (5) Gad Singh, (6) Inderaj Singh, (7) Bhahal Singh, (8) Bahadur and for remaining workmen he did not press claim as they have not completed 240 days or they were not interested in pursuing their claims. He also submit that Surinder Singh Field Supervisor and Mr. Rohtas through filed their claim statements, are beyond the reference as their cases were not referred by the Central Govt. He submitted that present reference is not maintainable on the ground that respondent management Central Sheep Breeding Farm is a subordinate unit of Govt. of India, Ministry of Agriculture is engaged in scientific breeding of sheep with a view to improve the sheep stock of India under an approved Animal Husbandry Programme. The farm is thus a scientific institution for all intents and purposes and is not an industry and therefore the present dispute is not an industrial dispute. The profit and loss account is never prepared on this farm engaged in research and development

of sheep. This farm might have been closed for long back due to heavy losses every year if considered an industry. Its employees are strictly governed by the FRs and SRs and do not attract the provision of Industry. He also referred to a decision of the Hon'ble Industrial Tribunal Hyderabad who held that the sister concern of this farm as non industry.

11. It is further submitted that management filed a writ petition before the Hon'ble Punjab and Haryana High Court seeking award of the learned labour court set aside and in that case it was argued that petitioner management is not an industry and the observations made by the learned labour court are not correct. The Hon'ble High Court in its order as held that as to whether the management CSBF is an industry or not has been left open for the learned court to decide and while deciding the writ petition it was categorically stated that the findings of that labour court that CSBF is not an industry shall be restricted only to the case of Azad Singh on the ground that no evidence was led on this point. The management also attached the copy of the order dated 24-11-2000 with the written submission of the management.

12. It is further submitted that *vide* order dated 4-4-1988, the Hon'ble Apex court directed that the management should regularize the services of the workers and those persons who were on rolls of the farm and were working as casual workers who were members of the union and had further completed more than 240 days as on 9-4-1986 were held entitled to the benefits of the court orders provided they were otherwise eligible. Accordingly after the Hon'ble Apex Court's orders dated 4-4-1988 the Govt. of India had sanctioned 290 group D regular posts for regularizing the services of the casual labourers who were entitled as per the Supreme Court Order dated 4-4-1988. Since neither any post is available nor the regular work is available, the continuation of the casual workers was not possible and in accordance with the Govt. of India orders the services of the workmen were disengaged w.e.f. 31-1-1990. It is further brought to the notice that Govt. of India, Ministry of Agriculture *vide* order dated 2-1-1990 has specifically directed that consequent upon the creation of 290 group D posts for regularization of the eligible casual workers, the services of the present workmen may be disengaged with immediate effect as no longer required in view of the fact that as per the directions of the Hon'ble Supreme Court the Ministry has already created and sanctioned 290 group D posts. Since the services of the casual labourers after the creation of 290 regular posts, which were duly regularized was not required, the workmen were rightly disengaged. That orders passed by the Govt. of India dated 2-1-1990 has never been challenged by the workmen, hence it become final. Shri Goel further submitted that aim of the respondent department is not to make profit and solely aimed at large scale breeding and for improving

the method of sheep management and further for providing training facility and pasture development. Hence the respondent department is not an industry. Further regarding sale, sale is not for profit earning at all and hence our Depot is suffering huge losses due to research work that a perusal of income and expenditure for the period 1998-99 to 2002-2003 indicate total budget grant, total expenditure and receipt of revenue (copy placed on the record). During the year 1998-99 to 2002-03 total plan and non plan grant was received by the respondent department of the tune of Rs. 30.51 crores and total expenditure by the management was to the tune of Rs. 22.81 crores. However, the revenue receipt was only to the extent of Rs. 18202676 which clearly shows that respondent management is not a profit making organization and hence is not an industry. He also submitted that no suggestion was put to the witness of management that management is profit making agency nor there is any evidence of any workman or stated in claim statement, rejoinder and their affidavits. All workmen nowhere challenges that management case is false in this regard and they are making profits. He submitted further that Respondent Farm was given land of an area of 6477 acres but at present it is reduced to 2456 acres as State of Haryana has taken 4221 acres forcibly from the management farm and therefore, it is not possible to reengage more labour.

13. Learned counsel for the management Shri Goel while summing up his argument submitted that firstly the workmen in all the reference though have completed 240 days in a year preceding to the date of their termination and if having done so, workmen are not entitled to any relief U/S 25F of the I.D. Act as the management is not an industry being non-profit earning department and there is no violation of any provision of I.D. Act. He further submitted that the workmen did not challenged the letter of Govt. of India and management has proved that the workmen were rightly disengaged and prayed that the claims of all the workmen may be rejected.

14. In reply workmen authorised representative submitted that workmen had proved that management institution was doing sale which is a commercial activity and it is sufficient to presume that it is a profit earning institution. Sale without profit is no sale. Authorised representative of the workmen submitted that, all the workmen proved that management institution violated the provision of Section 25F by not giving retrenchment compensation, notice or pay in lieu of notice and all the workmen are entitled for reinstatement.

15. In view of the above submissions and my perusal of oral and written arguments and law referred, I am of the considered view that at bar both the parties submitted that the only dispute now left after hearing detailed arguments

for adjudication by this Tribunal as per workman that workman were working in a profit earning department which is commercial part of institution and it is covered U/s 2J of the I.D. Act and is an industry. In first case I.D. 67/92, the workmen AR has pressed the cases of only those workmen who have completed 240 days and in remaining cases workmen AR is contesting the case of 47 workmen who have completed 240 days by producing available record and that is not disputed by the management by seeing the record produced by the workman, management did not prove its own record and did not take it in written arguments of management. The contention of the workmen are that as management itself admitted the entire case of the workman that institution also engaged in selling some production on a price, no compensation, notice or salary in lieu of notice was given which is not in dispute and that workmen who have completed more than 240 days and were only contesting the case.

16. I have found that management had produced two witnesses A.K. Malhotra and B.S. Rajprohit and these two witnesses have admitted in their evidence that hairs of sheeps as raw wool is auctioned to Haryana Govt. and institute is also supplying male sheeps *i.e.* medhe/ramps to different states to Govt. and private organisation on cost basis. He also admitted that employees cut hairs of the sheeps with machines and grow grass. Another witness Shri B.S. Rajprohit has deposed on oath that land was developed and they were earlier keeping 20,000 sheeps but now it was reduced to 8000 sheeps.

17. Contentions of the workmen are that in view of the AIR 1978 SC page 547 Bangalore Water Supply and Sewerage Board Vs. A. Rajappa and other law referred that as the institution is doing and engaging in economic activities which are not sovereign activities and qua these workmen who were doing arming and who are cutting the hairs of sheeps the department qua these workmen is an industry. Workmen in this regard also strongly relied 2005(3) RSJ 542 and 2003(4) RSJ page 264. Contentions of the workmen are that activities of a Govt. department engaged in welfare /development work can not be treated as falling outside the definition of industry unless it is proved that such activities are akin inalienable sovereign functions of the state.

18. On the other hand learned counsel for the management had submitted that after the judgement of the Hon'ble Supreme Court dated 4-4-1988 as admitted by both the parties, department created 290 group D posts and after creation of these 290 casual workers who were eligible were engaged and recruited against these posts on the orders of the Ministry of Agriculture institution disengaged these casual workers. There is no post to reinstate them or regularise them. Even as a casual worker they can not be

kept as the total number of sheeps which were 20000 in the beginning now reduced to 8000 and land was also reduced 2456 acres from 6477 acres and left no vacant post. No further post can be created and the management is not in this position. It is not an earning institute and not an industry.

19. In view of the above submission and law referred by the workman in 2003(3) RSJ page 264, 2005(3) RSJ 542 and in view of the judgement of the Constitution Bench in Bangalore Water supply's case 1978 SC 547. I am of the considered view that it is not disputed that the department/management is engaged in economic or welfare activities of the state. Therefore, it is proved by the workmen that the management is involved in a welfare, economic activities and also selling hairs of the sheeps and other products.

20. In view of my above discussions and the law referred, relying on Bangalore Water Supply & Sewerage Board's case AIR 1978 of the Full Bench of the Hon'ble Supreme Court and persual of evidence, I have found that qua these workmen contesting in these cases in this Tribunal, qua these workmen the management is an industry. Further in view of the statement on oath in the court of the only two witnesses of the management A.K. Malhotra and B.S. Rajprohit, no retrenchment compensation was given to any workmen, no notice was ever served, nor any payment was made in lieu of notice, which is an admission of violation of Section 25F. Shri Goel for the management contended that earlier order dated 4-4-1988 passed by the Hon'ble Supreme Court and in its compliance and directions, that the management should regularise the services of the workman and those who were on rolls of the Farm, 290 Group D posts were created and as per the directions, 290 workers were taken. Thereafter the quantum of work and size of the institution was reduced tremendously. From 20000 sheeps, there remains only 8000. As regard land of the farm, it was also reduced from 6477 acres to 2456 acres that no work left and even the size of the institution was reduced. The management's advocate also submitted that this Learned Tribunal like the Hon'ble Supreme Court can not order to create further posts, to regularise these workers, when the institution was reduced to a very small size.

21. To this arguments and submissions made, learned AR of the workman is silent and did not give any reply either in written argument or oral arguments except that the management has violated Section 25F of the I.D. Act and the workmen should be reinstated.

22. As regards violation of Section 25F of the I.D. Act 1947, I have found that management has not contested and pressed much and did not touch this point in written

arguments and orally admitted that workmen completed 240 days. So remaining workmen have proved that they have completed 240 days in one calander year preceding to the date of termination and those who have not completed, authorised rep. of the workmen has not pressed their claims. However there is a violation of Section 25F of the I.D. Act 1947 as both the MWs have admitted that no retrenchment compensation, notice of pay in lieu of notice was given to these workmen at the time of their termination. Therefore as there is an admitted violation of Section 25F of the I.D. Act by the management, termination is without compliance of mandatory provisions, therefore, the termination is void ab initio of these workmen.

23. In view of my above discussions, I hold that the respdt. management is an industry qua these workmen and that the management has violated the mandatory provisions of Section 25F of the I.D. Act 1947. In the circumstances, I hold that action against 8 workmen (1) Ishwar Singh, (2) Satwan, (3) Ramji Lal, (4) Jaspal Singh (5) Gad Singh, (6) Inderaj Singh (7) Bhahal Singh (8) Bahadur in reference No. 67/92 who are contesting this case and 47 other cases only workmen in (1) ID. 33/96 Mangat Ram (2) ID 33/96/10 Bir Singh, (3) ID 33/96/11 Balbir, (4) ID 33/96/12 Buta Singh, (5) ID 33/96/16 Bahadur, (6) ID 33/96/21 Dhup Singh, (7) ID 33/96/23 Dharam Pal, (8) ID 33/96/27 Ishwar, (9) ID 33/96/29 Jagdish S/o Birbal, (10) ID 33/96/32 Jagdish S/o Mai Lal, (11) ID 33/96/38 Ram Kumar, (12) ID 33/96/39 Thambu Ram, (13) ID 33/96/42 Mahender Singh, (14) ID 33/96/44 Niwasa, (15) ID 33/96/47 Om Parkash, (16) ID 33/96/48 Om Pal, (17) ID 33/96/51 Pargat Singh, (18) ID 33/96/54 Ram Bhagat, (19) ID 33/96/60 Susa Devi W/o Late Sh. Ram Kumar, (20) ID 33/96/61 Ram Chander, (21) ID 33/96/63 Sarjit Kaur W/o Late Sh. Gajan Singh, (22) ID 33/96/64 Sube Singh, (23) ID 33/96/68 Surat Singh, (24) ID 33/96/73 Santi Devi W/o Late Sohan Lal, (25) ID 33/96/74 Krishan S/o Late Sh. Sahi Ram, (26) ID 33/96/81 Sadhu, (27) ID 33/96/83 Tara Chand, (28) ID 33/96/85 Jai Narayan, (29) ID 33/96/92 Pirthi Singh, (30) ID 33/96/93 Rattan Singh, (31) ID 33/96/96 Gurdev, (32) ID 33/96/103 Bhagwan Dass, (33) ID 33/96/106 Devi Lal, (34) ID 33/96/109 Sube Singh S/o Chandgi, (35) ID 33/96/111 Raj Kumar, (36) ID 33/96/112 Ram Parsad, (37) ID 33/96/113 Ghasi Ram, (38) ID 33/96/114 Desh Raj, (39) ID 33/96/116 Sarjit, (40) ID 33/96/119 Om Parkesh S/o Udbami Ram, (41) ID 33/96/121 Om Parkesh S/o Arni Lal, (42) ID 33/96/123 Ram Singh, (43) ID 33/96/124 Mamoo, (44) ID 33/96/127 Sultan, (45) ID 33/96/128 Ram Partap, (46) ID 33/96/131 Shish Pal, (47) ID 33/96/136 Nasib, their termination/action by the management is unjustified and illegal.

24. The termination is held to be unjustified and illegal of all the workmen contesting as above. Further the Tribunal is to decide as to what relief these workers are entitled to ? In these cases as per admitted facts, the institute of CSBF Hissar is reduced to a skelton from a demon as

sheeps were reduced from 20000 to 8000 and land from 6477 acres to 2456 acres and as no much work was left with the management and only seasonal few casual workers are engaged for this small work, and the management of CSBF has admitted that they have not complied with the provisions of Section 25F of the I.D. Act, it is the management fault that they have no complied with the provisions of Section 25F which is a mandatory provisions and as a result of which the termination of the workmen is held to be illegal and unjustified as no retrenchment compensation, notice or pay in lieu of notice was given to the workmen. Therefore, they are entitled to reinstatement.

25. A part of work of this institute is not sovereign and is commercial/economic with sheep breeding and there is sale of raw wool/hairs and of mendas in the sheep institute but it is reduced in size a lot. In view of 2005(2) SCT page 699 a judgement of the Hon'ble Supreme Court, grant of full back wages to workmen mere as a consequence of reinstatement is no more a good proposition in the changed circumstances. Industry is not to be compelled to pay for the period the workman was not working with it, and it is not a right in peculiar condition of the institute, these workmen are not entitled for any back wages. As it is a Govt. undertaking, it is not expected from the management officials not to show disrespect to law which is meant for parting social Justice for weaker people i.e. labour. Therefore, not complying mandatory provisions of Section 25F of the I.D. Act 1947 which is a part of their administrative duties, is a fault of the management Officers. Cases of such violation are on the increase in this country and management to make efforts to discourage such violation of social law at least being Govt. Model employer. This shall reduce minimize the labour/management disputes. By non-compliance, workmen is to go to forced litigation. Atleast Govt. Department/institutions should not do it. Further as this court can not order to creat posts to regularize the workmen but as some work is there and management did not comply mandatory provisions of Section 25F of the I.D. Act, they are responsible for illegal termination, it can only be made good only by reinstatement of the workmen to their old posts at least. Hence the management is directed to reinstate the workmen in the service on the same posts on which they were working at the time of their termination. In the totality of the situation and circumstances, the workmen are not entitled to any backwages. The reference are answered accordingly, Central Govt. be informed. A copy of this award be placed in other cases as referred above as this award will operate in other cases also.

Chandigarh.

27th March, 2006

RAKESH KUMAR, Presiding Officer

नई दिल्ली, 24 अप्रैल, 2006

का. आ. 1978.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार दूर संचार विभाग के प्रबन्धतंत्र के सम्बद्ध नियजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या आई.डी. 91/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-4-2006 को प्राप्त हुआ था।

[सं. एल-40012/367/2000-आई आर (डी यू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 24th April, 2006

S.O. 1978.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. ID-91/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Department of Telecom, and their workman, which was received by the Central Government on 24-04-2006.

[No. L-40012/367/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL- TRIBUNAL-CUM LABOUR COURT, LUCKNOW

PRESENT:

SHRIKANT SHUKLA, PRESIDING OFFICER

I.D. No. 91/2002

Ref. No. L-40012/367/2000-IR(DU)

Dated 22-4-2002

Between

Sri Brij Lal Kannuijiya
C/o V.K. Srivastava, 57. H.I.G.
Preetam Nagar,
Allahabad- 211001.

AND

The Divisional Engineer,
Door Sanchar Vibhag, Divl. Office
Renukoot, Pipri,
Sonebhadra (U.P.) 231217

AWARD

Government of India, Ministry of Labour, New Delhi, referred the following dispute No. L-40012/367/2000-IR (DU) Dtd. 22-4-2002 for adjudication to the Presiding Officer, CGIT-cum-Labour Court, Lucknow :

“Whether the claim of Brij Lal Kannuijiya that he rendered a continuous service of one year with the management of Divisional Engineer, Doorsanchar Vibhag District Sonebhadra is maintainable ? If so, whether his demand for reinstatement into service from the date of termination with full back wages and other benefit is just and fair ? If so, to what direction is required in this regard ?”

Individual Sri Brij Lal Kannuijiya has raised dispute alleging himself that he was appointed on 1-11-97 on the post of Messenger & under Office Incharge Telegraph Office (Dept. of Telecom), Renukoot where he worked till March, 1998, thereafter he was transferred in Aurimod where he was employed as Bill Collector cum Clerk & he worked as such till 1-10-99. It is further alleged that his services were terminated on 2-10-99 without any notice, notice pay & compensation although he was appointed against vacant & permanent post on permanent basis. It is also alleged by the individual that the employers violated section 25 F of the I.D. Act. & rule 76 of Central Rules 57. Further Sri Kannuijiya has submitted that he met concerned officers for providing him employment, but they did not hear him. Thereafter he demanded by moving application for reinstatement from employers but they did not reply. Sri Kannuijiya thereafter raised the matter before Asstt. Labour Commissioner (Central) Allahabad. Govt. denied the reference, as such Sri Kannuijiya filed a writ petition No. 5810/2001 before the Hon'ble High Court Allahabad who remanded the matter to the Govt. Ultimately Govt. referred the dispute for adjudication.

Sri Kannuijiya has requested that the termination order dtd. 2-10-99 be declared illegal & the same should be set aside. He has further prayed for reinstatement with all consequential benefit.

Asstt. General Manager (A&P) Sri Radheshyam has filed the written statement denying the claim of Sri Kunaujiya. he has also denied that Sri Kannuijiya was ever appointed as messenger or ever worked as messenger. No appointment for the post of messenger took place, nor the post was advertised nor there is any provision to engage any one without complying the procedure laid down by the Department.

Department has never issued any direction or approval to appoint Sri Kannuijiya. In the circumstances the question of appointment of Sri Kannuijiya does not

arise. Sri Kannuijiya has also failed to file any appointment letter. The question of transferring and employing Sri Kannuijiya as Bill Collector-cum-Clerk is also denied by the Asstt. General Manager (A&P).

It is submitted that Brij Lal Kannuijiya was never appointed/engaged in the department therefore the question of his illegal termination from the date of 2-10-99 does not arise. The opposite party has denied that Kannuijiya ever requested for reinstatement. Aurimod Telephone Bill Centre account was collected by Sri Radhey Shyam incharge with the help of Mohd. Kaleem so the collection of amount by Sri B.K. Kannuijiya does not arise. It appears that subsequently Sri B.L. Kannuijiya has manipulated in the documents for the purpose of the case availing the advantage with intimacy with Radhey Shyam as such Sri B.L. Kannuijiya is not entitled to any benefit and accordingly the worker is not entitled to any relief. The worker has filed following photo copies of the documents;

1. Certificate dtd. 13-8-99 issued by the Officer Incharge Telephone Office Renukoot paper no. A1-21.
2. Photo copy of above certificate paper no. 11/3.
3. Photo copy of remittance cash paper from 1-4-99 to 31-4-99 paper no. 11/4 to 11/33.

The representative of the management on the other hand has filed photostate copy of GPF slip of Mohd. Kaleem together with other documents regarding service of Mohd. Kaleem. Worker filed the affidavit in support of his case and he was cross examined on 2-6-2003 by the representative of the opposite party.

Management (opposite party) examined Radhey Shyam S/o Sh. Baiju Ram Sr. TEA Telegraph Office, Renukoot, Mohd. Kaleem, Sri R.K. Dewedi, Accounts Officer cash Mirzapur.

Parties have filed their written arguments. Also heard the arguments of Worker's representative. Carefully perused the evidence on record. On 7-4-03 Sri B.L. Kannuijiya stated that he was appointed on the post of Bill Collection Clerk at Anpara, Aurimod. He stated that he has not received any appointment letter from the appointing authority. He further stated that he was appointed by Radhey Shyam DTO Incharge, Renukoot and still works there. He has stated that he has not received any document pertaining to wage.

Following issues were framed on 7-4-2003

1. Whether the workman Brij Lal Kannuijiya was appointed on 1-11-97 by Sri Radhey Shyam. DTE, Incharge as alleged by the workman.

2. Whether the Brij Lal Kannuijiya continuously worked till 1-10-99 and thereafter orally terminated the services of Brij Lal Kannuijiya.
3. Whether the claim of Brij Lal Kannuijiya is maintainable.
4. Whether the worker is entitled to any relief. If so, to what extent.

On 2-6-03 worker moved an application that on 2-6-03 itself his evidence be recorded in the circumstances his statement was recorded on 2-6-03. Opposite party has also examined two witnesses i. e. Radhey Shyam TEA, Renukoot and Mohd. Kaleem a employee of Telegraph Office, Aurimod. However opposite party examined 3rd witness Sri R. K. Dewedi Accounts Officer, Cash Mirzapur on 10-8-04.

Sri Brij Lal Kannuijiya has admitted that since the year 1985 there is no recruitment in the Telecommunication Department. He has further stated that he moved an application for appointment on class IV post which was vacant, although there was no advertisement any where. He was also questioned as to whether he mentioned the facts in the statement of Claim that he moved the application for class IV post which was vacant, Sri Kannuijiya stated that he did not mentioned this on the statement of claim. Sri Kannuijiya has not been able to tell as to who was his appointing authority, however, he state that no interview took place and he was only applicant.

While Sri Kannuijiya was cross examined, the management witness Redhey Shyam S/o Baiju Ram was also present, Sri Kannuijiya stated"

राधेश्याम अदालत में हाजिर है यह लिपिक है मैं इनके मात्रात काम करता था मुझे प्रमाणपत्र राधेश्याम ने दिया था मूल मैं लाया हूं। इसमें हस्ताक्षर उन्हीं के हैं।

Further in the cross examination Sri Kannuijiya stated that he was provided the certificate on 2-10-99 and he was told that he will not be kept in service. Accordingly certificate was given.

It is noteworthy that so called certificate is dated 13-8-99 about which he states that the same was given to him by Radhey Shyam. The contention of the management is that Sri Kannuijiya was a domestic helper (servant) of Radhey Shyam and the certificate filed by Sri Kannuijiya is forged, which is signed by some one else.

In the circumstances the evidence of Radhey Shyam is very much material. This witness has disowned the signature on the certificate A1-21. He has stated"

मैंने बृज लाल कन्नौजिया को अपनी मदद के लिये लगाया हुआ था उसे temporary आधार पर नियुक्त किया था पैसा अपनी जेब से देता था He further states that मैं अपने पास से बृज लाल कन्नौजिया को तनखाह देता था एक लेबर मैंने अपने मन से रखा था ।

He clarified in cross examination that he was paying Rs. 1000/- to Sri Kannuijiya.

In the cross examination Radhey Shyam states that he earns Rs. 11000/- as wages and about 4 years back he was earning Rs. 7000/-. The collection of bill is his responsibility. He has stated that he carries the collected amount through draft to TDM Office.

About Sri Kannuijiya, Radhey Shyam witness has stated that he used to cook his meal and same time he used to send him for distributing telegrams.

Another witness examined by management Mond. Kaleem. He states that he is working Telegraph Office Aurimod since year 1995. He has also confirmed that Radhey Shyam is Incharge. He has stated that there are two class IV employees. One is himself and another is Gulab Pandey. He has further stated that in the said office, telephone bill is recovered PCO is installed beside distribution of telegram. Referring to Sri B. L. Kannuijiya, witness has stated that he was working in Munsooriya agency and after finishing his work there Sri Kannuijiya lookafter the work of Radhey Shyam. He denied that Sri Kannuijiya ever work in his department.

The Accounts Officer, Cash Door Sanchar Nigam came to the court with the salary register of Renookoot Telegraph Office for evidence. Referring to the register of April 98 May 98 to Sept. 98 he has stated that no salary has been disbursed to Sri Kannuijiya. Regarding the salary register pertaining to period and subsequent period he has stated that same were not traceable.

From the careful consideration of the entire evidence on the record I come to the conclusion as follow;

1. Sri Kannuijiya has failed to prove that he was appointed by competent authority as messanger/bill collection cum Clerk/class IV employee.
2. Sri Brij Lal Kannuijiya has also not proved that Radhey Shyam S/o Baiju Ram was competent to appoint any employee on behalf of Door Sanchar Nigam.
3. It is also not proved that Sri Brij Lal Kannuijiya was ever paid a single paisa from Door Sanchar Nigam as salary.

4. It is also not proved that Divn. Engineer was not responsible for the worker, conduct, or appointment of Sri Kannuijiya.
5. It is also not proved that there exists a relationship of employee and employee between Divn. Engineer, Door Sanchar Nigam and Sri Kannuijiya.
6. It is proved that Sri Brij Lal Kannuijiya was personal attendant of Radhey Shyam, Sr. TEA (Clerk)
7. It is proved that Sri Brij Lal Kannuijiya was paid Rs. 1000/- by Radhey Shyam, who disengaged him.

Argument on behalf of Sri Brij Lal Kannuijiya is not tenable that Sri Kannuijiya did work from 1997 to March 1998 on the post of messenger under the Divn. Engineer, Door Sanchar Nigam. Since Divn. Engineer never appointed him therefore there was no question of any appointment letter and there was no question of any termination letter in this regard. As such there is no question of any illegality or illegality in the alleged termination order. I also do not agree with the argument of Sri Brij Lal Kannuijiya that the worker continuously worked for 12 months before his termination that too for 240 days worker has tried to say that in the cross examination that he was regular employee of the opposite party which is absolutely false. It is admitted fact that no authority letter was ever issued to Sri Kannuijiya for recovering the telephone bill. The worker has tried to say that he used to recover 50,000 to Rs. 2 lakhs as telephone bills. I do not agree with his statement. With no stretch of imagination it could be said that he was authorised to do so. The statement of the worker is mere concoction. So called experience certificate is also not reliable and can not be looked into. The case law cited by the representative or Sri Kannuijiya do not help in the present context.

On the consideration of the entire argument of Sri Brij Lal Kannuijiya I come to the conclusion that Sri Brij Lal Kannuijiya was not in the employment of the opposite party, was not appointed by the opposite party was not terminated either and the entire claim is not maintainable. The issue are therefore decided against Sri Brij Lal Kannuijiya and I come to the conclusion that the Sri Brij Lal Kannuijiya is not entitled to any relief. The schedule referred for adjudication is answered against the worker in favour of the opposite party.

Lucknow.

1-4-2006

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 24 अप्रैल, 2006

का. आ. 1979.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार राजस्थान राज्य खनिज विकास निगम लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, उदयपुर के पंचाट (6/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-04-2006 को प्राप्त हुआ था।

[सं. एल-29012/30/2000-आई आर (विविध)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 24th April, 2006

S.O. 1979.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 6/2000 of the Labour Court, Udaipur as shown in the Annexure, in the industrial dispute between the management of Rajasthan State Mineral Development Corp. Ltd, and their workmen, received by the Central Government on 24-04-2006.

[No. L-29012/30/2000-IR (M)]

B.M. DAVID, Under Secy.

अनुबन्ध

औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय, उदयपुर
(राज.)

पीठासीन अधिकारी : उषा अग्रवाल,
आर. एच. जे. एस.

प्रकरण सं. 6/2000 श्रम वाद

श्री नारु पिता कालूजी जाति मीणा

निवासी ग्राम उमरडा,
तहसील गिर्वा,
जिला उदयपुर

----प्रार्थी

बनाम

1. श्री मुख्य खनिज अभियन्ता, राज.
खनिज विकास निगम खनिज भवन,
तिलक मार्ग, जयपुर

2. श्री प्रबन्धक, राजस्थान
स्टेट माइंस एण्ड मिनरल्स लि.

उदयपुर

----विपक्षीगण

उपस्थित :-

प्रार्थी की ओर से : श्री सी.पी.शर्मा,
विपक्षी की ओर से : श्री एस.एल. माण्डावत

पंचाट

दिनांक 02-03-2006

भारत सरकार के श्रम मंत्रालय की अधिसूचना नं.
29012/30/2000/आई आर/एम) न्यू देहली दिनांक 18-8-2000

एवं संशोधित अधिसूचना दिनांक 01-09-2005 के द्वारा निम्नलिखित प्रसंग इस न्यायालय को अधिनिर्णय हेतु प्रेषित किया गया :-

"Whether the termination of service of Shri Naru S/o Shri Kalu Meena on 2-4-97 by the management of R.S.M.D.C. Ltd., Jaipur by way of Voluntary Retirement Scheme is legal and justified and if not to what relief is workman concerned entitled?"

उक्त आशय का प्रसंग प्राप्त होने पर न्यायालय द्वारा दिनांक 09-10-2000 को नियमित श्रम वाद सं. 6/2000 दर्ज रजिस्टर किया जाकर पक्षकारान को नोटिस जारी किये गए जिस पर प्रार्थी की ओर से क्लेम व विपक्षी की ओर से जबाब पेश किया गया।

प्रार्थी की ओर से प्रस्तुत क्लेम के तथ्य संक्षेप में इस प्रकार है कि— प्रार्थी विपक्षी के अधीन उदयपुर कार्यालय में सहायक कर्मचारी के पद “16” वर्षों तक कार्यरत रहा। प्रार्थी ने विपक्षी को कभी भी शिकायत का अवसर नहीं दिया एवं संतोषजनक रूप से अपनी सेवाएं दी। विपक्षी द्वारा उनके यहां स्वैच्छिक सेवा निवृति स्कीम के अन्तर्गत प्रार्थी सहित अनेक श्रमिकों पर त्याग पत्र देने हेतु दबाव डाला जिसे प्रार्थी ने स्वीकार नहीं किया व विपक्षी के आदेश दिनांक 28-3-97 द्वारा उदयपुर से हनुमानगढ़ स्थानान्तरण कर दिया। प्रार्थी का स्थानान्तरण दुर्भावनापूर्ण होने से अवैध एवं शून्य था। प्रार्थी हनुमानगढ़ गया व वहां पर दिनांक 1-4-97 को इयूटी जोईन की। हनुमानगढ़ इयूटी जोईन करने के पश्चात् विपक्षी द्वारा प्रार्थी पर स्वैच्छिक सेवा निवृति हेतु निरन्तर दबाव डाला जाता रहा एवं विपक्षी द्वारा 16 घंटे प्रतिदिन काम लिया जाकर परेशान किया जाता रहा जिससे प्रार्थी बीमार हो गया व तब दिनांक 4-4-97 को प्रार्थी से स्वैच्छिक सेवानिवृति के पत्र पर दबाव डाल कर हस्ताक्षर करवा कर उसे इयूटी से आँफ कर दिया। प्रार्थी ने स्वैच्छिक सेवा निवृति का आवेदन स्वीकृत होने की सूचना देने से पूर्व ही दिनांक 11-4-97 को एक पत्र भेजकर स्वैच्छिक सेवानिवृति का आवेदन वापस लेने की सूचना दी और उसे इयूटी पर लेने की मांग की, जिस पर भी प्रार्थी को इयूटी पर नहीं लिया। प्रार्थी ने स्वैच्छिक सेवा निवृति के आधार पर उसे दी गई चैक की राशि स्वीकार नहीं की। प्रार्थी के अतिरिक्त कुछ अन्य व्यक्तियों को सेवानिवृति किया गया जिनमें किशोरीलाल, गणेशलाल, उदयलाल भी सम्मिलित थे उन्हे वापस इयूटी पर लिया गया और वे अब भी काम कर रहे हैं परन्तु इसके बाद प्रार्थी को मई 1999 के प्रथम सप्ताह में इयूटी पर लेने से स्पष्ट इन्कार कर दिया। प्रार्थी ने अपने अधिवक्ता के जरिये एक चेतना पत्र दिनांक 28-5-99 रजिस्टर्ड डाक से दिनांक 4-6-99 को विपक्षीगण को दिया जिसका न तो विपक्षीपन ने जबाब दिया और न इयूटी पर लिया। प्रार्थी जबरन स्वैच्छिक सेवा निवृति दिनांक से आज तक बेरोजगार है। इसलिये प्रार्थना की है कि विपक्षी द्वारा श्रमिक को स्वैच्छिक रूप से सेवानिवृति किया जाना अनुचित व अवैध घोषित किया जावे, प्रार्थी को स्वैच्छिक सेवा निवृति दिनांक से पुनः सेवा में लिये जाने की दिनांक तक के समस्त वेतन, भत्ते आदि जो वह सेवा में रहते हुए पाता, दिलाये जावे।

विपक्षी ने अपने जबाब में प्रार्थना पत्र के तथ्यों को अस्वीकार किया तथा यह अंकित किया कि प्रार्थी सहायक कर्मचारी के पद पर

कार्यरत है, लेकिन उसकी सेवाएं संतोषप्रद नहीं रही है। विपक्षी द्वारा स्वैच्छिक सेवा निवृति स्कीम निकाली गयी जिसके अन्तर्गत प्रार्थी सहित अनेक श्रमिकों के द्वारा स्वैच्छिक सेवा निवृति लेना स्वीकार किया और प्रार्थना पत्र प्रस्तुत किया। जिसे स्वीकार किया गया। जहां तक हनुमानगढ़ स्थानान्तरण किये जाने की बात है वह नियोजक की इच्छा है कि नियोजक श्रमिकों को कहां नियुक्त करें कहां स्थानान्तरण करें। प्रार्थी सेवा निवृति हेतु त्याग पत्र स्वीकार होने के बाद त्याग पत्र में दी गई तारीख के अनुसार उसे दिनांक 2-4-97 को कार्यमुक्त कर दिया गया था। प्रार्थी ने कभी भी विपक्षी के यहां 16 घंटे प्रतिदिन इयूटी नहीं दी तथा बीमारी की बात प्रार्थी द्वारा गलत अंकित की गई वह 4-4-97 को जबरदस्ती सेवा निवृति प्रार्थना पर हस्ताक्षर करने एवं जबरदस्ती इयूटी से आफ करने की बात पूर्ण रूप से गलत अंकित की है। प्रार्थी द्वारा 11-4-97 को स्वैच्छिक सेवा निवृति प्रार्थना पत्र वापस लेने की सूचना देने की बात पूर्ण रूप से गलत अंकित की गई है। जब प्रार्थी द्वारा दिनांक 2-4-97 को स्वैच्छिक सेवा निवृति आवेदन पत्र पेश किया व प्रार्थी की इच्छानुसार उसी दिन स्वीकार कर निगम सेवा से मुक्त कर दिया गया तो 11-4-97 को वापस सेवा में लिये जाने व इयूटी पर लिये जाने का कोई प्रश्न उत्पन्न नहीं होता। विपक्षी द्वारा दिनांक 30-4-97 को डाक्टर संख्या 539622 के तहत सीपीएफ एवं उपादान की राशि जरिये पंजीकृत डाक से भिजवाई गई व स्वैच्छिक सेवा नियमों के तहत अनुग्रह राशि डाक्टर संख्या 773951 दिनांक 29-4-97 के तहत पंजीकृत डाक से भिजवायी गयी जो उसके नहीं लेने से वापस लौट आयी। ऐसी स्थिति में प्रार्थी की सेवा निवृति पूर्ण रूप से सही थी। प्रार्थी द्वारा अन्य श्रमिकों के नाम अंकित किये हैं जिन्हे इयूटी पर लेना बताया है उनका प्रार्थी से कोई सम्बन्ध नहीं है। प्रार्थी की ओर से उसके अधिवक्ता के माध्यम से कोई पंजीकृत सूचना पत्र नहीं भिजवाया गया और न ही विपक्षी को प्राप्त हुआ है। अतः प्रार्थी का प्रार्थना पत्र निरस्त किये जाने की प्रार्थना की है।

प्रार्थी की ओर से अपने क्लेम के वर्तमान के समर्थन में स्वयं का शपथ पत्र पेश किया व श्रीमति टांकूबाई पल्ली नारूजी का शपथ पत्र पेश किया जबकि विपक्षी की ओर से आर.आर.पटेल, महाप्रबन्धक आर एस एम लि. उदयपुर, जगदीशचन्द्र शर्मा वरिष्ठ हेल्पर आर.एस.एम.एम. लि. बीकानेर, मनोहरलाल पाटीदार प्रभारी अधिकारी आर एस एम डी पी उदयपुर का शपथ पत्र पेश हुआ। दोनों पक्षों ने एक दूसरे से जिरह की व संबंधित दस्तावेज को प्रदर्शित ठहराया गया।

अन्य पक्षों की बहस सुनी गई। पत्रावली का अवलोकन किया गया।

अब यह देखना है कि क्या विपक्षी द्वारा प्रार्थी नारू भीणा को दिनांक 2-4-97 को स्वैच्छिक सेवा निवृति योजना के तहत सेवा पृथक किया जाना उचित एवं वैध है?

प्रार्थी श्रमिक ने क्लेम प्रार्थना पत्र में 28-3-97 के आदेश द्वारा विपक्षी ने उदयपुर से हनुमानगढ़ स्थानान्तरण कर दिया जाना कथन किया है, जिसे विपक्षी ने भी जवाब में स्वीकार किया है। अतः यह तथ्य अविवादित हो जाता है कि विपक्षी द्वारा प्रार्थी का स्थानान्तरण उदयपुर से हनुमानगढ़ कर दिया गया। स्थानान्तरण आदेश प्रदर्श-1 प्रार्थी ने प्रदर्शित कराया है। प्रार्थी ने क्लेम प्रार्थनापत्र में 1-4-97 को हनुमानगढ़

में इयूटी जोईन करना कथन किया है, जबकि साक्ष्य स्वरूप प्रस्तुत शपथ पत्र में प्रार्थी ने 31-1-97 को इयूटी जोईन करने का कथन किया है। इसी प्रकार प्रार्थी ने क्लेम प्रार्थना पत्र में दिनांक 4-4-97 को प्रार्थी से स्वैच्छिक सेवा निवृति के पत्र पर दबाव डाल कर हस्ताक्षर करवा कर इयूटी से आफ करना कथन किया है, जबकि इसके विपरीत साक्ष्य स्वरूप प्रस्तुत शपथ पत्र में प्रार्थी ने 2-4-97 को विपक्षी द्वारा दबाव डाल कर हस्ताक्षर करा इयूटी से आफ करना कथन किया है। इस प्रकार प्रार्थी के क्लेम प्रार्थना पत्र में कह कहे गये कथन व साक्ष्य स्वरूप प्रस्तुत शपथ पत्र में विरोधाभास है। प्रार्थी ने स्वैच्छिक सेवा निवृति के प्रार्थना पत्र प्रदर्श-2 को पत्रावली पर प्रदर्शित कराया है जिस पर ए से बीं स्वयं के हस्ताक्षर होना स्वीकार किया है जबकि विपक्षी के द्वारा प्रस्तुत जवाब क्लेम के प्रार्थना पत्र में यह अंकित किया है कि प्रार्थी सेवा निवृति हेतु त्याग पत्र स्वीकार होने के बाद त्याग पत्र में दी गई तारीख के अनुसार उसे दिनांक 2-4-97 को कार्य मुक्त कर दिया गया था। हनुमानगढ़ इयूटी जोईन करने के सम्बन्ध में कोई दिनांक जवाब व साक्ष्य स्वरूप शपथ पत्र में अंकित नहीं की है। किन्तु पत्रावली पर प्रार्थी के द्वारा प्रस्तुत प्रपत्र प्रदर्श-1 कार्यालय आदेश से प्रकट होता है कि मुख्यालय के आदेश संख्या एफ 3 (2) (15) पी एण्ड ए/94-पार्ट-1/9070 दिनांक 22-3-97 को अनुपालना में परियोजना प्रबन्धक राजस्थान राज्य खनिज विकास निगम लि. इकाई उदयपुर द्वारा दिनांक 28-3-97 को दोपहर बाद तुरन्त प्रभाव से सेवा मुक्त किया गया है जिसमें प्रार्थी श्रमिक नारू कालू का भी नाम है। इस प्रकार शपथ पत्र में प्रार्थी नारू के द्वारा 31-1-97 को इयूटी जोईन करने का कथन गलत प्रकट होता है जबकि विपक्षी साथी जगदीशचन्द्र शर्मा अपनी जिरह में यह बयान देता है कि नारू की जोईनिंग तिथि मुझे पता नहीं। नारू से मेरी पहली मुलाकात आफिस में हुई थी, किस तारीख को हुई याद नहीं। इससे यह प्रकट नहीं होता है कि नारू ने किस तारीख को इयूटी जोईन की।

जहां तक प्रार्थी साथी श्रीमति टांकूबाई का प्रश्न है तो यह तो हितबद्ध साक्षी है, क्योंकि यह तो प्रार्थी नारू की पत्नी है कि श्रीमति टांकूबाई ने अपने शपथ पत्र में यह कथन किया है कि उसकी उपस्थिति में उदा व नारू पर स्वैच्छिक सेवा निवृति के प्रार्थना पत्र पर हस्ताक्षर करने हेतु दबाव डाला एवं धमकाया कि हमारी इच्छा के विरुद्ध तुम यहां काम नहीं कर सकते हो, जबकि श्रमिक नारू स्वयं अपनी साक्ष्य में यह कथन नहीं करता है कि उसकी पत्नी श्रीमति टांकूबाई भी जब उसने स्वैच्छिक सेवा निवृति के प्रार्थना पत्र पर हस्ताक्षर कराये तब उपस्थित थी। अतः इस साक्षी को बतौर साक्षी प्रस्तुत करना बाद की साच प्रार्थी की लगती है। अतः ऐसी स्थिति में 28-3-97 को रिलाय फोने के बाद हनुमानगढ़ इयूटी जोईन की। जहां तक प्रार्थी का कथन है कि प्रार्थी का स्थानान्तरण विपक्षी के द्वारा उनके वहां लागू की गई स्वैच्छिक सेवा निवृति स्कीम के अन्तर्गत प्रार्थी सहित अनेक श्रमिकों को त्याग पत्र देने हेतु दबाव डाला गया जिसे प्रार्थी द्वारा स्वीकार नहीं किये जाने पर दुर्भावना पूर्वक 28-3-97 को स्थानान्तरण कर दिया तो प्रार्थी ने शपथ पत्र में इही कथनों को दोहराया है तथा यह कथन किया है कि विपक्षी द्वारा अनेक श्रमिकों के स्थानान्तरण इसी दुर्भावना से उदयपुर से हनुमानगढ़ किये गये। प्रार्थी अपने शपथ पत्र में उसके साथ अन्य श्रमिकों का स्थानान्तरण इसी दुर्भावना से उदयपुर से हनुमानगढ़ किये जाने का कथन करता है,

लेकिन उनमें से किसी श्रमिक को साक्ष्य में पेश नहीं किया कि उनका स्थानान्तरण भी स्वैच्छक सेवा निवृति के विपक्षी के कथन को न मानने के कारण किया गया हो। जबकि विपक्षी साक्षी आर.आर.पटेल महाप्रबन्धक आर.एस.एम.एम. लि. जयपुर ने अपने शपथ पत्र में यह कथन किया है कि प्रार्थी का ट्रान्सफर नियमानुसार किया गया था, जिसमें नियम की किसी प्रकार की दुर्भावना नहीं थी और न ही कोई दुर्भावना हो सकती है तथा इस साक्षी ने अपने प्रार्थी प्रतिनिधि द्वारा की गई जिरह में बयान दिया है कि यह गलत है कि वी.आर.एस. स्कीम के प्रावधानों के तहत प्रार्थी को स्वैच्छक सेवा निवृति के प्रार्थना पत्र पर हस्ताक्षर करने के लिये दबाव डाला हो और उसके मना करने पर उसका ट्रान्सफर हनुमानगढ़ किया हो। हमने नार्मल ड्यूटी में ट्रान्सफर किये थे ट्रान्सफर आदेश मुख्यालय से जारी हुए। इस साक्षी के छ: कथनों की पुस्ति कार्यालय आदेश प्रदर्श-1 से होती है। इस कार्यालय आदेश में 7 व्यक्तियों के स्थानान्तरण किये गये हैं। क्या इन सातों व्यक्तियों को ही हनुमानगढ़ वी.आर.एस. नहीं लेने के कारण स्थानान्तरण कर दिया हो ऐसी कोई साक्ष्य पत्रावली पर नहीं है न ही प्रार्थी का यह कथन कि विपक्षी को प्रार्थी का स्थानान्तरण करने का अधिकार नहीं था, जबकि स्थानान्तरण किये जाने का अधिकार नियोजक पर होता है तथा यह प्रत्येक सेवाकर्मी की सेवा शर्त होती है कि उसे नियोजक को आवश्यकतानुसार कहीं भी संवर्धित संस्था में स्थानान्तरण किया जा सकता है। प्रार्थी यह सिद्ध करने में असफल रहा है कि उसका विपक्षी द्वारा हनुमानगढ़ किया गया ट्रान्सफर दुर्भावनापूर्ण था, यह किसी भी कर्मचारी की हठधर्मिता नहीं होती है कि किसी स्थान विशेष पर ही अपनी सेवाएं दी। जहां तक प्रार्थी का कथन है कि उसने स्थानान्तरण निरस्त करने हेतु विपक्षी को प्रार्थना पत्र दिया तो प्रथम तो ऐसा कोई प्रार्थना पत्र प्रदर्श प्रस्तुत किया गया हो, उसकी कोई प्राप्ति स्वीकृति विपक्षी की प्रार्थी के द्वारा प्रस्तुत नहीं की गई है, बल्कि किस तारीख को प्रार्थनापत्र प्रस्तुत किया उसका उल्लेख भी शपथ पत्र में नहीं किया है। जबकि श्रीमती टांकू मात्र विपक्षी को निवेदन करना कहती है, अर्थात् लिखित में प्रार्थना पत्र दिया हो कथन नहीं करती है। इस प्रकार प्रार्थी व उसके साथी के बयानों में ही विरोधाभास है तथा विपक्षी प्रतिनिधि द्वारा की गई जिरह में यह कहता है कि मैंने स्थानान्तरण निरस्त कराने बाबत मौखिक कहा था। ऐसी स्थिति प्रार्थी नारू ने अपना स्थानान्तरण निरस्त कराने हेतु मौखिक कहा था या लिखित में प्रार्थना पत्र दिया हो, माने जाने योग्य नहीं है। यदि एक क्षण के लिये बहस हेतु यह भी मान लिया जाये यद्यपि सत्य नहीं है, न सिद्ध हुआ है कि प्रार्थी का स्थानान्तरण निरस्त करने का विपक्षी ने निवेदन दुकरा दिया था तो भी इससे प्रार्थी का स्थानान्तरण आदेश दुर्भावना पूर्ण नहीं हो जाता है। किसी भी कर्मकार का स्थान विशेष पर रह कर ही सेवा कार्य करने का अधिकार नहीं होता है।

जैसा कि ऊपर विवेचन से माना गया है कि प्रार्थी ने विषक्षी के अधीन हनुमानगढ़ में अपनी सेवाएं देने हेतु उपस्थित हुआ था जो 28-3-97 को रिलीब करने के बाद उपस्थित हुआ था अतः प्रार्थी का यह कथन कि उसके द्वारा हनुमानगढ़ इयूटी जोईन करने के पश्चात् छः विषक्षी द्वारा स्वैच्छिक सेवानिवृत्ति हेतु निरन्तर दबाव डाला जाता रहा एवं 16 घंटे प्रतिदिन काम लिया जाकर परेशान किया जाता रहा। श्रीमति टांकू ने बयान दिया है कि इयूटी जोईन करने गया तब वह साथ थी व अन्दर आफिस में गयी थी माने जाने थोग्य नहीं है, प्रथम

तो प्रार्थी स्वयं वह कथन नहीं करता है तथा विपक्षी साक्षी जगदीशचन्द्र शर्मा ने स्पष्ट कथन किया है कि प्रार्थी नारु जोईनिंग करने आया तब मेरी पहली बार मुलाकात हुई थी नारु से मेरी पहली मुलाकात अफिस में हुई थी इस प्रकार प्रार्थी के साथ और कोई हो ऐसा इसने नहीं बताया है। अतः श्रीमती टांकू के बयान विश्वसनीय नहीं है, चूंकि जब कर्मकार श्रीमती टांकू कर्मकार नहीं तो विभागाध्यक्ष के समक्ष उसका उपस्थित होना भी सामान्य परिस्थितियों के विपरीत है इसके अतिरिक्त 16 घंटे कार्य करने के बाबत कोई साक्ष्य प्रार्थी ने पुष्टि में प्रस्तुत नहीं की है, जहां तक विपक्षी साथी जगदीशचन्द्र शर्मा ने बयान दिया है कि प्रार्थी छः नारु ने अपनी स्वैच्छा से सेवा निवृति आवेदन पत्र महाप्रबन्धक आर.आर.पटेल के समक्ष प्रस्तुत किया व उक्त आवेदनपत्र प्रदर्श एम-1 पर मेरे गवाह के रूप में ए से बी हस्ताक्षर है प्रार्थी द्वारा 16 घंटे काम कराने की बात का कथन गलत है। इस प्रकार प्रार्थी से 16-16 घंटे कार्य लिया गया हो पत्रावली पर पुष्टिकारक साक्ष्य के अभाव में माने जाने योग्य नहीं है।

अब हमें यह देखना है कि आया प्रार्थी के द्वारा दिनांक 2-4-97 को स्वैच्छिक सेवा निवृति बाबत प्रार्थना पत्र प्रस्तुत किया गया था, यह प्रार्थना पत्र प्रार्थी से विपक्षी संस्थान की ओर से दबाव देकर लिखाया गया था इस सम्बन्ध में प्रार्थी ने शपथ पत्र में यह अभिकथन किया है कि दो दिनों में ही प्रार्थी मानसिक एवं शारीरिक पीड़ा दिये जाने से बीमार हो गया तब दिनांक 2-4-97 को मुझ से दबाव डालकर स्वैच्छिक सेवा निवृति के प्रार्थना पत्र पर अनुचित रूप से हस्ताक्षर करवा कर इयूटी से आफ कर दिया इसलिये मैं उदयपुर आ गया। शपथ पत्र में यह भी अभिकथित किया है कि स्वैच्छिक सेवा निवृति के प्रार्थना पत्र पर जबरन हस्ताक्षर कराये गये एवं उसी दिन मुझे कार्य से हटा दिया गया, जबकि हनुमानगढ़ से स्वैच्छिक सेवा निवृति के प्रार्थना पत्र को स्वीकृत करने वाले सक्षम अधिकारी मौजूद नहीं थे। प्रार्थी को स्वैच्छिक सेवा निवृति के प्रार्थना पत्र में क्या लिखा है यह बताया नहीं गया एवं विपक्षीगण के अधिकारियों ने ही लिखित प्रार्थना पत्र तैयार कर उस पर मेरा अंगूठा लगाया गया। गवाह के हस्ताक्षर भी मेरे सामने नहीं कराये, बाद में कराये गये। स्वैच्छिक सेवा निवृति का प्रार्थना पत्र प्रदर्श-03 है जिस पर ऐसे भी मेरे हस्ताक्षर हैं जबकि प्रदर्श-3 प्रार्थी की ओर से पेश ही नहीं किया गया है, प्रार्थी की ओर से जो दस्तावेज की सूची दिनांक 10-2-03 को मय दस्तावेज पेश की गई है उसमें भी प्रदर्श-3 का विवरण अंकित नहीं है। पत्रावली पर प्रार्थी द्वारा दिनांक 2-4-97 को वी.आर.एस. लेने के क्रम में प्रार्थना पत्र प्रदर्श एम-1 विपक्षी संख्या एक को दिया है और विपक्षी सं.1 के नाम से दिया है। इसके अवलोकन से वह स्पष्ट होता है कि प्रार्थी ने यह त्याग पत्र स्वैच्छा से दिया है, क्योंकि इस प्रार्थना पत्र में यह अंकित है कि “मैं अपनी स्वैच्छा से वी.आर.एस. स्कीम के तहत त्याग पत्र दे रहा हूं, यह त्याग पत्र मैं मेरी इच्छानुसार दे रहा हूं। किसी के दबाव में आकर नहीं। अतः इसके अतिरिक्त वेतन आयोग के संबंधित एरियर भुगतान के रूप में 15000/- रुपये दिलाने का श्रम करें व शीघ्रतासीधी वी.आर.एस. स्वीकृत कर इससे संबंधित भुगतान परियोजना उदयपुर पर किया जाये।” यह प्रार्थना पत्र प्रार्थी के द्वारा हनुमानगढ़ में प्रस्तुत किया जाना कथन किया है। इस पर प्रार्थी के अंगूठा व हस्ताक्षर दोनों ही रखे हैं तथा एक गवाह के भी हस्ताक्षर हो रखे हैं तथा विपक्षी साक्षी जगदीशचन्द्र शर्मा ने साक्ष्य प्रस्तुत शपथ

पत्र में यह कथन किया है कि नारु पिता कालू सहायक कर्मचारी को जानता हूँ वह जिस समय नारु द्वारा सेवा निवृति आवेदन पत्र दिया उस समय मेरी नियुक्ति थी वहीं था व प्रार्थी नारु द्वारा अपनी स्वैच्छा से सेवा निवृति आवेदन पत्र महाप्रबन्धक आर.आर. पटेल के समक्ष प्रस्तुत किया एवं उक्त आवेदन पत्र उसके द्वारा स्वैच्छा से प्रस्तुत किया बिना किसी दबाव, डर के पेश किया जो आवेदन पत्र प्रदर्श एम-1 है जिस पर गवाह के रूप में ऐसे बी मेरे हस्ताक्षर है और उक्त गवाह के रूप में हस्ताक्षर मेरे द्वारा नारु के कहने पर किये गये थे व नारु ने मेरे समक्ष उक्त आवेदन पत्र प्रस्तुत किया जो महाप्रबन्धक महोदय द्वारा प्राप्त किया व नारु की भावना के अनुसार व मेरे सामने महाप्रबन्धक महोदय के समक्ष आवेदन पत्र स्वीकार करने की इच्छा जाहिर की जिससे उसका आवेदन पत्र उसी दिवस स्वीकार कर लिया गया था। प्रार्थी प्रतिनिधि द्वारा की गई जिरह में यह बयान दिया है कि प्रदर्श एम-1 कागज पटेल सा. के सामने पेश हुआ था जो पटेल सा. के चेम्बर में पेश हुआ था। एप्लीकेशन नारु के पास लिखी हुई थी ये दस्तखत मैंने नारु के सामने आफिस में किये थे। मेरे को नारु बुला कर ले गया था। इस प्रकार से ये साक्षी प्रार्थी प्रतिनिधि द्वारा की गई जिरह में खण्डित नहीं हुआ है, बल्कि अपने मुख्य परीक्षण में किये गये कथनों पर स्थित रहा है।

विषक्षी साक्षी मनोहरलाल पाटीदार ने अपने शपथ पत्र में यह अभिकथन किया है कि प्रार्थी नारु का त्याग पत्र 2-4-97 को ही स्वीकार कर लिया गया था एवं उसी दिवस निगम सेवा से हटा दिया गया था और उसको दिनांक 2-4-97 को ड्राफ्ट सं. 539622 के तहत ग्रेज्यूटी एवं भविष्य निधि एवं ड्राफ्ट सं. 773931 के तहत अनुग्रह राशि सी.पी.एफ एवं उपादान राशि भी पंजीकृत डाक से भिजवायी जा चुकी थी। इस साक्षी ने यह भी कथन दिया है कि आर आर पटेल एवं वरिष्ठ हेल्पर जगदीशचन्द्र शर्मा द्वारा जो कथ्य दिये गये उसके अनुसार प्रार्थी नारु द्वारा सेवा निवृति आवेदन पत्र अपनी स्वैच्छा से बिना किसी डर व दबाव भय के प्रस्तुत किया जो निगम द्वारा स्वीकार कर उसको निगम सेवा से मुक्त कर दिया गया था। इस साक्षी ने रैकार्ड पर कथन किये हैं ये अपने शपथ पत्र व जिरह में यह स्वीकार किया है।

विषक्षी साक्षी आर.आर. पटेल ने भी शपथ पत्र में यह अभिकथन किया है कि प्रार्थी नारु पिता कालू द्वारा स्वैच्छिक सेवा निवृति लेने का आवेदन पत्र प्रस्तुत किया यह प्रार्थना पत्र उसने अपनी स्वैच्छा से बिना किसी डर व दबाव भय के प्रस्तुत किया था और प्रार्थी नारु का सेवा निवृति त्याग पत्र को स्वीकार कर दिनांक 2-4-97 को उसके त्याग पत्र को स्वीकार कर दिनांक 2-4-97 को उसको कार्य मुक्त कर दिया गया था और उसने बिना किसी दबाव के उक्त आवेदन पत्र मेरे सम्मुख प्रस्तुत किया था। यह साक्षी विषक्षी की साक्ष्य की इस बात को कहता है कि प्रार्थी ने वी.आर.एस. स्कीम के तहत स्वैच्छा से सेवा निवृति प्रार्थना पत्र प्रस्तुत किया था और यह प्रार्थना पत्र 2-4-97 को ही स्वीकार कर लिया गया था। आर.आर. पटेल भी अन्य गवाह के सामने ही अपने कथनों पर स्थित रहा है। इस साक्षी ने जिरह में भी यह बयान दिया है कि जिन लोगों ने वी.आर.एस. के प्रार्थना पत्रों पर हस्ताक्षर नहीं किये हो उनका हनुमानगढ़ ट्रान्सफर कर दिये हो यह गलत है। स्वैच्छिक सेवा निवृति लेने पर कोई दबाव नहीं डाला जाता है। प्रदर्श एम-1। प्रार्थना पत्र कर्मचारी लिखवा कर लाया था, किसने

लिखा ये मुझे पता नहीं। इस प्रकार यह साक्षी जगदीशचन्द्र शर्मा के कथनों की पुष्टि करता है कि प्रार्थी प्रार्थना पत्र लिखवा कर लाया था। श्री आर. आर. पटेल ने अपनी जिरह में यह बताया है कि प्रार्थी कितना पढ़ा लिखा है या नहीं यह उसका सर्विस रेकार्ड देख कर ही बता सकता हूँ। जबकि प्रार्थी ने मेरे सामने साईन किये थे। प्रदर्श एम-1 पर अंगूठा व हस्ताक्षर दोनों ही प्रार्थी के हैं। प्रार्थी ने अंगूठा व दस्तखत दोनों मेरे सामने किये। उस बक्त मेरे चेम्बर में कितने आदमी थे मुझे याद नहीं। लेकिन गवाह मौजूद थे। प्रदर्श एम-1 किस समय पेश किया यह मुझे समय ध्यान नहीं, लेकिन आफिस खुलने के कुछ समय बाद पेश किया था। मेरे चेम्बर में यह प्रार्थना पत्र दिया था, यह गलत है कि यह प्रार्थना पत्र मेरे चेम्बर में पहले से पढ़ा हुआ था और प्रार्थी को बुला कर उसके हस्ताक्षर व अंगूठा कराये हों। यह गलत है कि मैंने उसको धमकाकर अंगूठा/हस्ताक्षर कराये हो। यह गलत है कि प्रार्थी ने घबराहट में अंगूठा लगा दिया था इसलिये मैंने उसके बाद में हस्ताक्षर कराये हों। यह गलत है कि गवाह के दस्तखत मैंने बाद में कराये हों। यह सही है कि मैंने इस पर कोई पुष्टकान नहीं किया है। प्रार्थी का यह प्रार्थना पत्र मैंने संबंधित अधिकारी को भेज दिया था। उसका मुख्यालय से वी.आर.एस. स्वीकृत हुआ था। मैंने प्रार्थना पत्र 2 तारीख को भेजा था, उक्त प्रार्थना पत्र मैंने फैक्स से भेजा था। फैक्स हनुमानगढ़ से किया था, सही समय फैक्स का नहीं बता सकता हूँ कि कितने बजे किया। प्रार्थी के रिलीव आदेश की छाया प्रति लाया था। प्रार्थी के रिलीव आदेश की प्रति प्रदर्श-15 है प्रार्थी का वी.आर.एस. प्रार्थना पत्र मुख्य कार्यालय जयपुर से मंजूर किया गया था। वी.आर.एस. प्रार्थना पत्र की स्वीकृति आदेश प्रदर्श-16। हम फैक्स से दिनांक 2-4-97 को प्राप्त हुआ था, कितने बजे प्राप्त हुआ सही समय नहीं बता सकता। हमारे यहां जो कि डाक हेड आफिस से आती है उसका इन्वर्ड रजिस्टर में इन्ड्राज होता है, फैक्स से जो भी आदेश आते हैं वह जनली इन्वर्ड रजिस्टर में इन्ड्राज होता है ये सही है कि प्रदर्श-15 रिलीव आदेश पर प्रार्थी के दस्तखत नहीं हैं ये कहना गलत है कि प्रार्थी को प्रदर्श-15 रिलीव आदेश की कापी नहीं दी गयी हो। यह सही है कि प्रदर्श-16 पर प्रार्थी के हस्ताक्षर नहीं है, लेकिन ये चारों ही संबंधित कर्मचारी श्री उदा पिता भेरा, श्री नारु पिता कालू, श्री देवा पिता राता, श्री हेमराम पिता काना को भेजा जाना दर्शाया है और प्रार्थी द्वारा प्रस्तुत प्रदर्श-14 से उक्त कर्मचारियों को एक साथ रिलीव किया गया है और 2-4-97 को ही रिलीव किया गया है और इसकी कापी भी संबंधित को भेजना दर्शाया है।

इस प्रकार से उपबंधों की साक्ष्य से यह प्रकट होता है कि प्रार्थी ने सेवा निवृति हेतु प्रार्थना पत्र दिया था वह स्वैच्छा से दिया था, चूंकि ये कथन उसने अपने प्रार्थना पत्र में ही अंकित किये थे और किसी दबाव के तहत यदि उसने ऐसे प्रार्थनापत्र पर हस्ताक्षर कराये जाने तो प्रार्थी अवश्य ही पुलित में रिपोर्ट करता या तभी तुरन्त अपने उच्च अधिकारी को भी इस बाबत शिकायत करता, परन्तु प्रार्थी ने ऐसा कोई कदम नहीं उठाया है तथा प्रार्थी ने साक्ष्य स्वरूप प्रस्तुत शपथ पत्र की चरण सं. 5 में यह अंकित किया है कि 2-4-97 को ही ड्यूटी से आफ कर दिया इसलिये मैं उदयपुर आ गया। अतः प्रार्थी को 2-4-97 को सेवा निवृति किया गया है। यह प्रार्थी स्वयं मानता है, उसको यह कथन कि 2-4-97 को स्वैच्छिक सेवा निवृति बाबत उसे जानकारी नहीं है, माने जाने योग्य नहीं है। बल्कि प्रार्थी को 2-4-97

को पत्रावली पर प्रस्तुत रिपोर्ट प्रदर्श-14 व 16 को देखने से प्रकट होता है कि प्रार्थी ने 2-4-97 को प्रार्थना-पत्र स्वैच्छिक सेवा निवृति बाबत/प्रदर्श एम-1 पेश कर तत्काल शीघ्रताशीघ्र सेवा निवृति करने का प्रस्तुत किया था। अतः हनुमानगढ़ के अधिकारी द्वारा मुख्यालय जयपुर को यह ग्रपत्र फेक्स द्वारा प्रेषित कर दिया और फेक्स द्वारा ही अन्य श्रमिकों के साथ प्रार्थी की भी सेवा निवृति मंजूर कर ली गई जिसकी सूचना भी फेक्स द्वारा हनुमानगढ़ के अधिकारी को प्राप्त हुई और उह 2-4-97 को ही सेवा निवृति कर दिया गया है, जब प्रार्थी 2-4-97 को ही सेवा निवृति हो गया था तो 11-4-97 को पुनः सेवा में रखने का पत्र प्रदर्श-4 परियोजना प्रबन्धक, पटेल सर्कल उदयपुर को देने का कोई औचित्य नहीं रहता है। चूंकि जिस दिन प्रार्थी ने यह प्रार्थना पत्र दिया उस समय प्रबन्धक व प्रार्थी का नियोजित व नियोजक का सम्बन्ध ही नहीं था न ही प्रार्थी विषयकी संस्थान में कार्यरत कर्मचारी था। एक बार सेवा निवृति आदेश मंजूर होकर सेवा निवृति हो जाने के पश्चात् पुनः सेवा में लिये जाने का कोई औचित्य नहीं रहता है। न ही विधि अनुसार सेवा में लिया जा सकता है, क्योंकि प्रार्थी ने स्वैच्छिक से यह प्रार्थना-पत्र प्रस्तुत किया था।

जहां तक गणेशलाल किशोरीलाल, उदयपुर का प्रार्थी के अनुसार ही पी.एल. अवकाश भुगतने के बाद ही स्वैच्छिक सेवा निवृति स्वीकार की गई थी और उहाँने इस बीच ही सेवा निवृति वापस ले ली तब कानूनी रूप से इयूटी रहने से विषयकी को उहाँ वापस नौकरी पर लेना पड़ा, परन्तु प्रार्थी का प्रकरण इन तीनों से भिन्न है, क्योंकि प्रार्थी की सेवा निवृत्ति उसी के अनुरोध पर शीघ्रताशीघ्र उसी दिन कर दी गई थी।

प्रार्थी प्रतिनिधि द्वारा 2005 (105) एफ.एल.आर. 44 बोम्बे करोना लि० बनाम सीताराम आत्माराम व अन्य का विधि दृष्टान्त पेश किया है, लेकिन इस विधि दृष्टान्त वाले मामले में तो श्रमिक को वी. आर. एस. स्कीम के तहत वी.आर.एस. लेने पर मिलने वाली राशि का भुगतान नहीं किया गया था, इसलिये श्रमिक को पुनः नियोजित किये जाने को आदेश दिया था, जबकि हस्तागत प्रकरण में तो विषयकी द्वारा जरिये द्वापर राशि प्रार्थी को भेजी गई थी इस सम्बन्ध में स्वयं प्रार्थी ने अपने कलेम व शपथ-पत्र में यह अभिकथन किया है कि मैंने स्वैच्छिक सेवा निवृत्ति के आधार पर दी गई चैक की राशि स्वीकार नहीं की। इस प्रकार विषयकी द्वारा तो राशि भेजी गई थी, लेकिन प्रार्थी ने उसे स्वीकार नहीं किया। इसलिये प्रस्तुत विधि दृष्टान्त के तथ्य इससे भिन्न होने के कारण प्रार्थी को कोई मदद नहीं करते हैं।

अतः विषयकी के द्वारा प्रार्थी नारू मीणा को वी.आर.एस. स्कीम के तहत दिनांक 2-4-97 को जो सेवा समाप्त की गई है वह उचित एवं वैध है। अतः प्रार्थी श्रमिक कोई राहत एवं राशि प्राप्त करने का अधिकारी नहीं है।

भारत सरकार के श्रम मंत्रालय द्वारा प्रेषित प्रसंग को उत्तरित करते हुए पंचाट इस प्रकार पारित किया जाता है कि—

The termination of service of Shri Naru S/o Shri Kalu Meena on 02-04-97 by the management of R.S.M.D.C. Ltd., Jaipur by way of Voluntary Retirement Scheme is legal and justified.

Hence workman is not entitled to any relief.

पंचाट प्रकाशनार्थ भारत सरकार के श्रम विभाग को भेजा जावे।

उषा अग्रवाल, पीठासीन अधिकारी
नई दिल्ली, 24 अप्रैल, 2006

का.आ. 1980.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार राजस्थान राज्य खनिज विकास निगम लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, उदयपुर के पंचाट (संदर्भ संख्या 5/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-04-2006 को प्राप्त हुआ था।

[सं. एल-29012/29/2000-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 24th April, 2006

S.O. 1980.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 5/2000) of the Industrial Tribunal, Udaipur as shown in the Annexure, in the industrial dispute between the management of Rajasthan State Mineral Development Corpn. Ltd. and their workmen, received by the Central Government on 24-04-2006.

[No. L-29012/29/2000-IR (M)]

B. M. DAVID, Under Secy.

अनुबंध

औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय, उदयपुर (राज.)

पीठासीन अधिकारी : उषा अग्रवाल,
आर. एच. जे. एस.

प्रकरण सं. 5/2000 श्रम वाद

श्री उदा पिता भेरा गमेती
निवासी ग्राम मटुन,
तहसील गिवि,
जिला उदयपुर

...प्रार्थी

विरुद्ध

1. श्री मुख्य खनिज अधिकारी, राज. राज्य खनिज विकास निगम, खनिज भवन,
तिलक मार्ग, जयपुर

2. श्री प्रबन्धक, राजस्थान
स्टेट माइन्स एण्ड मिनरल्स लि.
उदयपुर

...विषयकीगण

उपस्थित :-

प्रार्थी की ओर से : श्री सी.पी.शर्मा
विषयकीगण की ओर से : श्री सुन्दरलाल माण्डावत

पंचाट

दिनांक 02-03-2006

भारत सरकार के श्रम मंत्रालय की अधिसूचना नं. एल-29012/29/2000/आई आर (एम) न्यू देहली दिनांक 18-8-2000 एवं संशोधित दि. 1-9-2005 के द्वारा निम्नलिखित प्रसंग इस न्यायालय को अधिनिर्णय हेतु प्रेषित की गई :—

“Whether the termination of services of Shri Uda S/O Sh. Meera Gameti on 2-4-97 by the Management of R.S.M.D.C. Ltd. Jaipur by way of Voluntary Retirement Scheme is legal and justified and if not to what relief is workman concerned entitled?”

उक्त आशय का प्रसंग प्राप्त होने पर न्यायालय द्वारा दिनांक 9-10-2000 को नियमित श्रम वाद संख्या 5/2000 दर्ज रजिस्टर किया जाकर पक्षकारान को नोटिस जारी किये गये जिस पर प्रार्थी की ओर से क्लेम व विपक्षी की ओर से जवाब पेश किया गया।

प्रार्थी की ओर से प्रस्तुत क्लेम के तथ्य संक्षेप में इस प्रकार है कि प्रार्थी विपक्षी के अधीन उदयपुर कार्यालय में सहायक - कर्मचारी के पद पर “16” वर्षों तक कार्यरत रहा। प्रार्थी ने विपक्षी को कभी भी शिकायत का अवसर नहीं दिया एवं संतोषजनक रूप से अपनी सेवाएं दी। विपक्षी द्वारा उनके यहां स्वैच्छिक सेवा निवृत्ति स्कीम के अन्तर्गत प्रार्थी सहित अनेक श्रमिकों पर दबाव डाला जिसे प्रार्थी ने स्वीकार नहीं किया एवं प्रार्थी को विपक्षी के आदेश दिनांक 28-3-1997 के द्वारा उदयपुर से हनुमानगढ़ स्थानान्तरण कर दिया प्रार्थी का स्थानान्तरण दुर्भावनापूर्ण होने से अवैध एवं शून्य का। प्रार्थी हनुमानगढ़ गया व वहां पर दिनांक 1-4-97 को इयूटी जोईन की। हनुमानगढ़ इयूटी जोईन करने के पश्चात् विपक्षी द्वारा प्रार्थी पर स्वैच्छिक सेवा निवृत्ति हेतु निरन्तर दबाव डाला जाता रहा व विपक्षी द्वारा 16 घंटे प्रतिदिन काम लिया जाकर परेशान किया जाता रहा जिससे प्रार्थी बीमार हो गया तब दिनांक 4-4-97 को प्रार्थी को स्वैच्छिक सेवा निवृत्ति के पत्र पर दबाव डाल कर हस्ताक्षर करवा कर उसे इयूटी से आफ कर दिया प्रार्थी ने स्वैच्छिक सेवा निवृत्ति का आवेदन स्वीकृत होने की सूचना देने से पूर्व ही दिनांक 11-4-1997 को पत्र भेज कर स्वैच्छिक सेवानिवृत्ति का आवेदन वापस लेने की सूचना दी और उसे इयूटी पर लेने की मांग की। जिस पर भी प्रार्थी को इयूटी पर नहीं लिया। प्रार्थी ने स्वैच्छिक सेवा निवृत्ति के आधार पर उसे दी गई चैक की राशि स्वीकार नहीं की। प्रार्थी के अतिरिक्त कुछ अन्य व्यक्तियों को सेवानिवृत्ति किया गया था जिनमें किशोरीलाल, गणेशलाल, उदयलाल थे जिन्हें वापिस इयूटी पर लिया गया और वे अब भी काम कर रहे हैं, परन्तु इसके बाद प्रार्थी को मई 1999 के प्रथम सप्ताह में इयूटी पर लेने से स्पष्ट इन्कार कर दिया जिस पर प्रार्थी ने अपने अधिवक्ता के जरिये एक चेतना पत्र दिनांक 28-5-99 को रजिस्टर्ड डाक से दिनांक 4-6-99 को विपक्षगण को दिया जिसका न तो विपक्षी ने जवाब दिया न इयूटी पर लिया। प्रार्थी जबरन स्वैच्छिक सेवानिवृत्ति की दिनांक से आज तक बेरोजगार है। इसलिये प्रार्थी की है कि विपक्षी द्वारा श्रमिक को स्वैच्छिक रूप से सेवानिवृत्ति किया जाना अनुचित व अवैध घोषित

किया जावे प्रार्थी को स्वैच्छिक सेवा निवृत्ति दिनांक से पुनः सेवा में लिये जाने की दिनांक तक के समस्त वेतन भत्ते आदि जो वह सेवा में रहते हुए पाता, दिलाये जावे।

विपक्षी ने अपने जवाब में प्रार्थना-पत्र के तथ्यों को अस्वीकार किया तथा यह अकित किया कि प्रार्थी विपक्षी के यहां सेवारत था, लेकिन उसकी सेवाएं संतोषप्रद नहीं थी। विपक्षी द्वारा स्वैच्छिक सेवा निवृत्ति स्कीम निकाली गई जिसके अन्तर्गत प्रार्थी सहित अन्य श्रमिकों के द्वारा स्वैच्छिक सेवा निवृत्ति लेना स्वीकार किया तथा निगम से स्वैच्छिक सेवा निवृत्ति का आवेदन पत्र जारी किया जिस पर नियमानुसार कार्यवाही की जाकर सेवानिवृत्ति आदेश परित किये गये प्रार्थी पर किसी प्रकार का कोई दबाव नहीं डाला जहां तक हनुमानगढ़ स्थानान्तरण करने का प्रश्न है वह विपक्षी निगम के अधिकार क्षेत्र में है। प्रार्थी सेवा निवृत्ति हेतु त्याग पत्र में दी गई तारीख के अनुसार उसे दिनांक 2-4-97 को कार्यमुक्त कर दिया गया था। प्रार्थी ने न तो कभी 16 घंटे सेवाएं दी न विपक्षी ने कभी कोई परेशान करने की नियत से कार्य लिया। प्रार्थी द्वारा दिनांक 2-4-97 को स्वैच्छिक सेवा निवृत्ति हेतु आवेदन पत्र प्रस्तुत किया और प्रार्थी के विशेष आग्रह पर वह प्रार्थना पत्र उसी दिन स्वीकार कर प्रार्थी को दिनांक 2-4-97 को निगम सेवा से पृथक कर दिया इसलिये 11-4-97 को स्वैच्छिक सेवा निवृत्ति आवेदन वापस लेने की सूचना देने की बात पूर्ण रूप से गलत है जब प्रार्थी 2-4-97 को ही निगम सेवा से पृथक कर दिया तो बाद में पुनः इयूटी पर लिये जाने पर प्रश्न ही उत्पन्न नहीं होता है। विपक्षी द्वारा सी.पी.एफ. एवं उपादान की राशि का भुगतान जरिये ड्राफ्ट नं. 539621 दिनांक 30-4-97 एवं अनुग्रह राशि का ड्राफ्ट नं. 771930 दिनांक 29-4-97 को पंजीकृत डाक से भिजवाया जा चुका है और प्रार्थी द्वारा उसे लेने से इन्कार कर दिया, ऐसी स्थिति में प्रार्थी द्वारा तथ्यों को छुपाया गया है। प्रार्थी द्वारा अन्य श्रमिकों के नाम अकित किये गये हैं जिन्हें इयूटी पर लेना बताया है उनका प्रार्थी से कोई सम्बन्ध नहीं है। प्रार्थी को मई 99 में इयूटी पर लेने से इन्कार नहीं किया है और जब 2-4-97 को प्रार्थी की सेवाएं समाप्त की जा चुकी हैं तो मई 99 तक इयूटी पर आना व मना करने का कोई कारण नहीं है। प्रार्थी की ओर से कोई भी नोटिस विपक्षी को प्राप्त नहीं हुआ तो उसका जवाब दिये जाने का प्रश्न ही उत्पन्न नहीं होता है। अतः प्रार्थी का प्रार्थना-पत्र सत्य्य निरस्त किये जाने की प्रार्थना की है।

प्रार्थी की ओर से अपने क्लेम के समर्थन में स्वयं का शपथपत्र पेश किया व श्रीमती टांकूबाई पत्नी नारूजी मीणा का शपथ पत्र पेश किया गया। जबकि विपक्षी की ओर से शांतिलाल झंवर वरिष्ठ हैल्पर आर.एस.एम.डी.बीकानेर, मनोहरलाल पाटीदार प्रभारी अधिकारी आर.एस.एम.डी.सी. उदयपुर, आर.आर.पटेल महाप्रबन्धक आर.एस.एम.डी.एम.लि. जयपुर का शपथ-पत्र पेश हुआ। दोनों पक्षों ने एक दूसरे से जिरह की व संबंधित दस्तावेजों को प्रदर्शित कराया गया।

उभय पक्षों की बहस सुनी गई। पत्रावली का अवलोकन किया गया।

अब यह देखना है कि क्या विपक्षी द्वारा प्रार्थी उदा गमेती को दिनांक 2-4-97 का स्वैच्छिक सेवा निवृत्ति योजना के तहत सेवा निवृत्ति किया जाना उचित एवं वैध है ?

प्रार्थी श्रमिक ने क्लेम प्रार्थना पत्र में 28-3-1997 के आदेश द्वारा विपक्षी ने उदयपुर से हनुमानगढ़ स्थानान्तरण कर दिया कथन किया है जिसे विपक्षी ने भी जबाब में स्वीकार किया है। अतः यह तथ्य अविवादित हो जाता है कि विपक्षी द्वारा प्रार्थी का स्थानान्तरण उदयपुर से हनुमानगढ़ कर दिया गया। स्थानान्तरण आदेश प्रदर्श-1 प्रार्थी ने प्रदर्शित कराया है। प्रार्थी ने क्लेम प्रार्थनापत्र में 1-4-1997 को हनुमानगढ़ में इयूटी जोईन करना कथन किया है जबकि साक्ष्य स्वरूप प्रस्तुत शपथ पत्र में प्रार्थी ने दिनांक 31-3-1997 को इयूटी जोईन करना कथन किया है। इसी प्रकार प्रार्थी ने क्लेम प्रार्थना पत्र में दिनांक 4-4-97 को प्रार्थी से स्वैच्छिक सेवानिवृत्ति के पत्र पर दबाव डालकर हस्ताक्षर करवा कर इयूटी से आफ करना कथन किया है, जबकि इसके विपरीत साक्ष्य स्वरूप प्रस्तुत शपथ पत्र में प्रार्थी ने 2-4-1997 को विपक्षी द्वारा दबाव डालकर हस्ताक्षर कर इयूटी से आफ करना कथन किया है। इस प्रकार प्रार्थी की क्लेम पत्र पर प्रार्थी ने कहे गये कथन व साक्ष्य स्वरूप प्रस्तुत शपथ पत्र में विरोधाभास है। प्रार्थी ने स्वैच्छिक सेवानिवृत्ति के प्रार्थना पत्र प्रदर्श-2 वा पत्रावली पर प्रदर्शित कराया है तथा जिस पर ५ से बी स्पष्ट के हस्ताक्षर होना स्वीकार किया है, जबकि विपक्षी के द्वारा प्रस्तुत जबाब क्लेम प्रार्थना पत्र में यह अभिलिखित किया गया है कि प्रार्थी ने 2-4-1997 को स्वैच्छिक सेवा निवृत्ति हेतु आवेदन पत्र प्रस्तुत किया और प्रार्थी के विशेष आग्रह पर वह प्रार्थना पत्र उसी दिन स्वीकार कर लिया गया और प्रार्थी को दिनांक 2-4-1997 को निगम सेवा से पृथक कर दिया गया था। हनुमानगढ़ इयूटी जोईन करने के सम्बन्ध में कोई दिनांक जबाब व साक्ष्य स्वरूप प्रस्तुत शपथ पत्र में अंकित नहीं की है, किन्तु पत्रावली कर प्रार्थी के द्वारा प्रस्तुत प्रपत्र प्रदर्श-1 कार्यालय आदेश से प्रकट होता है कि मुख्यालय के आदेश संख्या एफ ३(२)१५/पी एण्ड ए/१९४-पार्ट-१/१९७० दिनांक 22-३-1997 की अनुपालना में परियोजना प्रबन्धक राजस्थान राज्य विकास निगम लि. इकाई उदयपुर द्वारा 28-३-९७ को दोपहर बाद तुरन्त प्रभाव से सेवा मुक्त किया गया है जिसमें प्रार्थी श्रमिक उदा का भी नाम है। इस प्रकार शपथ पत्र में प्रार्थी उदा के द्वारा 31-३-९७ को हनुमानगढ़ इयूटी जोईन करना कथन किया गया है, जिस पर कोई जिरह विपक्षी प्रतिनिधि द्वारा नहीं की गई है, किन्तु विपक्षी साक्षी शांतिलाल ज़िंवर, वरिष्ठ हेल्पर आर.एस.एम. ने जिरह में बयान दिया है कि मैंने प्रार्थी को सबसे पहले जोईनिंग करने आया उस दिन देखा। प्रार्थी 1-4-1997 को जोईनिंग करने आया तब मेरी उससे पहली मुलाकात हुई थी। प्रार्थी बाहर खड़ा था तब मैंने उससे पूछा कि कहां से आये हो, फिर मैंने उससे आपिस में बैठने को कहा। इस प्रकार इस साक्षी के जिरह के बयानों से प्रकट होता है कि प्रार्थी ने 1-4-1997 को इयूटी जोईन की है। इस साक्षी से प्रार्थी की ओर से जिरह में आगे यह नहीं पूछा गया है कि साक्षी को गलत ध्यान है, प्रार्थी ने तो 31-३-1997 को इयूटी जोईन की थी, 1-4-1997 को इयूटी जोईन नहीं की थी। अतः साक्षी के 1-4-1997 को प्रार्थी के द्वारा इयूटी जोईन करने के कथन को खण्डन नहीं करने व प्रार्थी के क्लेम प्रार्थना पत्र व शपथ पत्र में भिन्न-भिन्न तारीखों को उल्लेख होने से व जोईनिंग रिपोर्ट व जोईनिंग करने का आवेदन पत्र पत्रावली पर प्रस्तुत नहीं होने से यह माना जायेगा कि श्रमिक उदा ने 1-4-1997 को इयूटी जोईन की थी। जहां तक प्रार्थी की साक्षी टांकूबाई का प्रश्न है तो वह तो हितबद्ध साक्षी है,

चूंकि उसके पति का भी स्थानान्तरण किया गया है तथा इस साक्षी ने शपथ पत्र में यह कथन किया है कि उसकी उपस्थिति में उदा व नारू पर स्वैच्छिक सेवानिवृत्ति के प्रार्थना पत्र पर हस्ताक्षर करने हेतु दबाव डाला एवं धमकाया कि हमारी इच्छा के विरुद्ध तुम यहां काम नहीं कर सकते हो, जबकि श्रमिक उदा स्वयं अपनी साक्ष्य में यह कथन नहीं करता है कि श्रीमती टांकू पल्ली श्री नारू भी जब उनमें स्वैच्छिक सेवा-निवृत्ति के प्रार्थना पत्र पर हस्ताक्षर कराये गये तब उपस्थित थी। अतः इस साक्षी को बतौर साक्षी प्रस्तुत करना बाद की सोच प्रार्थी की लगती। अतः ऐसी स्थिति में यह माना जायेगा कि प्रार्थी ने 1-4-1997 को इयूटी हनुमानगढ़ में जोईन की थी। जहां तक प्रार्थी का कथन है कि प्रार्थी का स्थानान्तरण विपक्षी के द्वारा उनके यहां जागू की गई स्वैच्छिक सेवानिवृत्ति स्कीम के अन्तर्गत प्रार्थी सहित अनेक श्रमिकों को त्याग पत्र देने हेतु दबाव डाला गया जिसे प्रार्थी द्वारा स्वीकार नहीं किये जाने पर दुर्भावनापूर्वक 28-३-1997 को स्थानान्तरण कर दिया गया तो प्रार्थी ने शपथ पत्र में भी इन्हीं कथनों को दोहराया है तथा यह कथन किया है कि विपक्षी द्वारा अनेक श्रमिकों के स्थानान्तरण इसी दुर्भावना से उदयपुर से हनुमानगढ़ किये गये। विपक्षी प्रतिनिधि द्वारा जी गई जिरह में श्रमिक उदा ने बयान दिया है कि अनेक श्रमिकों के स्थानान्तरण की बात मैंने मेरे शपथ पत्र में लिखी है उनके नाम मुझे याद नहीं है प्रार्थी ने इन क्षमिकों में से किसी भी श्रमिक के बयान नहीं कराये हैं कि उनका स्थानान्तरण स्वैच्छिक सेवानिवृत्ति के विपक्षी के कथन को नहीं मानने के कारण किया गया था, जबकि विपक्षी साक्षी आर.आर.पटेल महाप्रबन्धक आर.एस.एम. लिए जयपुर ने अपने शपथ पत्र में कथन किया है कि प्रार्थी का ट्रांसफर नियमानुसार किया गया था, जिसमें निगम की किसी प्रकार की दुर्भावना नहीं थी और न ही कोई दुर्भावना हो सकती है तथा इस साक्षी ने प्रार्थी प्रतिनिधि द्वारा की गई जिरह में बयान दिया है कि ये गलत है कि जिन लोगों ने वी.आर.एस. के प्रार्थना पत्रों पर हस्ताक्षर नहीं हो उनको हनुमानगढ़ ट्रान्सफर किये हो, हमने नार्मल इयूटी में ट्रान्सफर किये थे। ट्रान्सफर आदेश मुख्यालय से जारी किये गये थे उनकी पालना में रिलीविंग आदेश उदयपुर से जारी हुए थे। इस साक्षी के कथनों की पुष्टि प्रदर्श-1 कार्यालय आदेश से होती है, इस कार्यालय आदेश में ७ व्यक्तियों के स्थानान्तरण किये गये हैं क्या इन सातों व्यक्तियों को ही हनुमानगढ़ वी.आर.एस. नहीं लेने के कारण स्थानान्तरण कर दिया हो एसी कोई साक्ष्य पत्रावली पर नहीं है न ही प्रार्थी का यह कथन है कि विपक्षी को प्रार्थी का स्थानान्तरण करने का अधिकार नहीं था जबकि स्थानान्तरण किये जाने का अधिकार नियोजन पर होता है तथा यह प्रत्येक सेवाकर्मी की सेवा शर्त होती है कि उसे नियोजक को आवश्यकतानुसार कहीं भी संबंधित संस्था में स्थानान्तरण किया जा सकता है। प्रार्थी यह सिद्ध करने में असफल रहा है कि उसका विपक्षी द्वारा हनुमानगढ़ किया गया ट्रान्सफर दुर्भावनापूर्ण था, यह किसी भी कर्मचारी की हठधर्मिता नहीं होती है कि किसी स्थान विशेष पर ही अपनी सेवाएं दे। जहां तक प्रार्थी का कथन है कि उसने स्थानान्तरण निरस्त करने हेतु विपक्षी को प्रार्थना-पत्र दिया तो प्रथम तो ऐसा कोई प्रार्थना-पत्र प्रस्तुत किया गया हो, उसकी कोई प्राप्ति स्वीकृति विपक्षी की प्रार्थी के द्वारा प्रस्तुत नहीं की गई है बल्कि किस तारीख को प्रार्थना पत्र प्रस्तुत किया उसका उल्लेख भी शपथ पत्र में नहीं किया है, जब श्रीमती टांकू मात्र विपक्षी को निवेदन करना कहती है, अर्थात्

लिखित में प्रार्थना पत्र दिया हो कथन नहीं करती है, इस प्रकार प्रार्थी व उसके साक्षी के बयानों में ही विरोधाभास है तथा विपक्षी प्रतिनिधि द्वारा प्रार्थी उदा से की गई जिरह में साक्षी ने बयान दिया है कि शपथ पत्र की कालम सं. 3 में जो बात कहीं है उनकी तारीख मुझे याद नहीं है, तारीख क्यों नहीं लिखी इसका कारण में नहीं बता सकता हूँ। ऐसी स्थिति में प्रार्थी के द्वारा स्थानान्तरण निरस्त करने का प्रार्थना-पत्र श्रमिक उदा द्वारा विपक्षी संस्थान, उदयपुर को दिया हो, माने जाने योग्य नहीं है। प्रार्थी प्रतिनिधि ने विपक्षी साक्षी से इस बाबत कोई जिरह भी नहीं की है, यदि एक क्षण के लिये बहस हेतु यह भी मान लिया जावे यद्यपि सत्य नहीं है, न सिद्ध हुआ है कि प्रार्थी का स्थानान्तरण निरस्त करने का विपक्षी ने निवेदन दुकरा दिया था तो भी इससे प्रार्थी का स्थानान्तरण आदेश दुर्भावनापूर्ण नहीं हो जाता है, किसी भी कर्मकार का स्थान विशेष पर रहकर ही सेवा कार्य करने का अधिकार नहीं होता है। जैसा कि ऊपर विवेचन से माना गया है कि प्रार्थी ने विपक्षी के अधीन हनुमानगढ़ 1-4-1997 को अपनी सेवाएं देने हेतु उपस्थित हुआ था, अतः प्रार्थी का कथन कि उससे दो दिन लगातार 16-16 घंटे कार्य लिया गया व उस पर दबाव डाला गया है कि व स्वैच्छिक सेवा निवृति लेने बाबत कथन किये हैं व श्रीमती टांकू ने बयान दिया है कि इयूटी जोड़न करने गया तब वह साथ गयी थी व अन्दर आफिस में भी साथ गयी थी, माने जाने योग्य नहीं है। प्रथम तो प्रार्थी स्वयं यह कथन नहीं करता है तथा विपक्षी साक्षी शांतिलाल झंवर ने स्पष्ट कथन किया है कि 1-4-1997 को प्रार्थी जोड़निंग करने आया तब मेरी मुलाकात हुई थी, प्रार्थी बाहर खड़ा था अर्थात् वह अकेला खड़ा था जिसके बयान जिरह में खण्डित नहीं हुए हैं। अतः श्रीमती टांकू के बयान विश्वसनीय नहीं है, चूंकि जब कर्मकार श्रीमती टांकू, नहीं तो विभागाध्यक्ष के समक्ष उसका उपस्थित होना भी सामान्य परिस्थितियों के विपरीत है। इसके अतिरिक्त 16 घंटे कार्य करने के बाबत कोई साक्ष्य प्रार्थी ने पुष्टि में प्रस्तुत नहीं की है, जहां तक विपक्षी साक्षी शांतिलाल ने बयान दिया है कि प्रार्थी ने हनुमानगढ़ इयूटी जोड़न की और वी.आर.एस. फार्म पर मैंने साईन किये इस बीच प्रार्थी ने कहां कहां क्या क्या काम किया, मुझे पता नहीं। अलग सेवान का अलग इन्वार्ज होता है इसलिये मुझे पता नहीं कि प्रार्थी से क्या-क्या काम किस-किस ने लिया। इस प्रकार प्रार्थी से 16-16 घंटे कार्य लिया गया हो पत्रावली पर पुष्टिकारक साक्ष्य के अभाव में माने जाने योग्य नहीं है।

अब हमें यह देखना है कि आया प्रार्थी के द्वारा दिनांक 2-4-1997 स्वैच्छिक सेवानिवृति बाबत प्रार्थना-पत्र प्रस्तुत किया गया था, वह प्रार्थना-पत्र प्रार्थी से विपक्षी संस्थान की ओर से दबाव देकर लिखा गया था। इस सम्बन्ध में प्रार्थी ने शपथ पत्र में यह अभिकथित किया है कि दो दिनों में ही प्रार्थी मानसिक एवं शारीरिक फीड़ा दिये जाने से बीमार हो गया तब दिनांक 2-4-1997 को मुझसे दबाव डालकर स्वैच्छिक सेवानिवृति के प्रार्थना पत्र पर अनुचित रूप से हस्ताक्षर करवा कर इयूटी से आफ कर दिया गया, इसलिये मैं उदयपुर आ गया तथा शपथ पत्र में यह भी अभिकथित किया है कि स्वैच्छिक सेवा निवृति के प्रार्थना-पत्र पर जबरन हस्ताक्षर कराये गये एवं उसी दिन मुझे कार्य से हटा दिया गया, जबकि हनुमानगढ़ से स्वैच्छिक सेवा निवृति के प्रार्थना-पत्र को स्वीकृत करने वाले साक्षम अधिकारी मौजूद नहीं थे। प्रार्थी को स्वैच्छिक सेवानिवृति के प्रार्थना-पत्र में क्या लिखा

है यह बताया नहीं गया एवं विपक्षीगण के अधिकारियों ने ही लिखित प्रार्थना-पत्र तैयार कर उस पर मेरा अंगूठा लगाया गया, गवाह के हस्ताक्षर भी मेरे सामने नहीं कराये गये बाद में कराये गये। स्वैच्छिक सेवानिवृति के प्रार्थना पत्र प्रदर्श-2 है जिसपर ए से बी मेरे हस्ताक्षर है। प्रदर्श-2 दस्तावेज पत्रावली पर प्रार्थी के द्वारा प्रस्तुत नहीं किया गया है, यह प्रार्थी ने विपक्षी प्रतिनिधि द्वारा की गई जिरह में स्वीकार किया है वह कथन किया है कि यह सही है कि प्रदर्श-2 में स्वैच्छिक सेवा निवृति के प्रार्थना-पत्र प्रदर्श-2 की बात मेरे द्वारा गलत अंकित की गई है, क्योंकि यह मेरे द्वारा पुस्तुत नहीं किया गया है। पत्रावली पर प्रार्थी द्वारा दिनांक 2-4-97 को बी.आर.एस. लेने के क्रम में प्रार्थना-पत्र प्रदर्श-एम-2 विपक्षी संख्या एक को दिया है और विपक्षी सं.1 के नाम से दिया है, इसके अवलोकन से यह प्रकट होता है कि प्रार्थी ने यह त्याग-पत्र स्वैच्छिक से दिया है, क्योंकि इस प्रार्थना-पत्र में यह अंकित है कि मैं अपनी स्वैच्छिक से बी.आर.एस. प्रणाली के तहत त्याग पत्र दे रहा हूँ, यह त्याग पत्र मेरी इच्छानुसार दे रहा हूँ किसी के दबाव के आकर नहीं। “इसके अलावा वेतन आयोग के सम्बन्ध एरियर भुगतान के रूप में 15000 रुपये दिलाये जाने का श्रम करे व शीघ्रतांशीघ्र बी.आर.एस. स्वीकृत कर इसके संबंधित भुगतान उदयपुर परियोजना पर किया जावे।” यह प्रार्थना-पत्र प्रार्थी के द्वारा हनुमानगढ़ में प्रस्तुत किया जाना कथन किया गया है। इस पर प्रार्थी का अंगूठा व हस्ताक्षर दोनों हो रखे हैं तथा एक गवाह के भी हस्ताक्षर हो रखे हैं तथा विपक्षी साक्षी शांतिलाल झंवर ने अपनी साक्ष्य स्वरूप प्रस्तुत शपथ पत्र में यह कथन किया है कि उदा गमेती सहायक कर्मचारी को अच्छी तरह से जानता हूँ वह जिस समय उदा गमेती द्वारा सेवा निवृति आवेदन दिया गया उस समय मेरी नियुक्ति भी जहां पर थी एवं प्रार्थी द्वारा अपनी स्वैच्छिक से सेवानिवृति आवेदन पत्र महाप्रबन्धक आर.आर.पटेल के समक्ष पेश किया एवं उक्त आवेदन पत्र उसके द्वारा स्वैच्छिक से प्रस्तुत किया गया था, बिना किसी डर, दबाव, भय के पेश किया गया था उस पर किसी प्रकार की कोई जबरदस्ती नहीं की गयी थी उक्त आवेदन पत्र जो प्रदर्श-एम-1 है उस पर गवाह के रूप में सी से डी मेरे हस्ताक्षर हैं और उक्त गवाह के रूप में हस्ताक्षर मेरे द्वारा उदा के कहने पर किये गये थे एवं उदा ने मेरे सामने उक्त आवेदन पत्र प्रस्तुत किया था जो महाप्रबन्धक महोदय द्वारा प्राप्त किया था व प्रार्थी उदा की भावना के अनुसार व मेरे सामने महाप्रबन्धक महोदय के समक्ष आवेदन पत्र स्वीकार करने की इच्छा जाहिर की जिससे उसका आवेदन पत्र उसी दिन स्वीकार कर लिया गया था। प्रार्थी प्रतिनिधि द्वारा की गई जिरह में यह बयान दिया है कि प्रार्थी बी.आर.एस. की एप्लीकेशन लेकर मेरी सीट पर आया था, प्रार्थी ने कहा कि मैं अपनी इच्छा से बी.आर.एस. लेना चाहता हूँ इसलिये आप दस्तखत कर दो तो मैंने गवाह में दस्तखत कर दिये। प्रदर्श-4 (एम-1) पर ए से बी दस्तखत मेरे से करवा कर एप्लीकेशन ले गया था। इस प्रकार से ये साक्षी प्रार्थी प्रतिनिधि द्वारा की गई जिरह में खण्डित नहीं हुआ है, बल्कि अपने मुख्य परीक्षण में किये गये कथनों पर स्थिर रहा है।

विपक्षी साक्षी मनोहरलाल पाटीदार ने अपने शपथ पत्र में यह अभिकथन किया है कि प्रार्थी उदा का त्याग पत्र 2-4-97 को ही स्वीकार कर लिया गया था और उसे उसी दिवस निगम सेवा से हटा दिया गया था और उसको दिनांक 30-4-97 को सी.पी.एफ. एवं उपादान राशि जरिये ड्राफ्ट सं. 53962। व दिनांक 29-4-97 को

अनुग्रह राशि जरिये ड्राफ्ट संख्या 771930 भिजवा दी गयी। इस साक्षी ने यह भी कथन किया है कि प्रबन्धक आर.आर. पटेल एवं वरिष्ठ हेल्पर जगदीश शर्मा द्वारा जो तथ्य दिये गये थे उसके अनुसार प्रार्थी देवा द्वारा सेवानिवृति आवेदन पत्र अपनी स्वैच्छा से बिना किसी डर दबाव के पेश किया जो निगम द्वारा स्वीकार कर उसको निगम सेवा से मुक्त कर दिया गया। इस साक्षी ने रेकार्ड पर कथन किये हैं। ये अपने शपथ पत्र व प्रार्थी प्रतिनिधि द्वारा की गई जिरह में यह स्वीकार किया है।

विपक्षी साक्षी आर.आर. पटेल ने भी शपथ पत्र में यह अभिकथन किया है कि प्रार्थी उदा द्वारा स्वैच्छा सेवानिवृति हेतु आवेदन पत्र प्रस्तुत किया यह आवेदन पत्र उसने अपनी स्वैच्छा से बिना किसी डर, दबाव, भय के प्रस्तुत किया था और प्रार्थी उदा का स्वैच्छिक सेवानिवृति त्याग पत्र स्वीकार कर दिनांक 2-4-97 को उसको कार्यमुक्त कर दिया गया था और उसने बिना किसी दबाव के उक्त आवेदन पत्र मेरे समक्ष प्रस्तुत किया था और यह साक्षी विपक्षी की साक्ष्य की इस बात को पुरीत करता है कि प्रार्थी ने वी.आर.एस. स्कीम के तहत स्वैच्छा से सेवानिवृति प्रार्थना पत्र प्रस्तुत किया था और यह प्रार्थना पत्र 2-4-97 को ही स्वीकार कर लिया गया था। आर.आर. पटेल भी अन्य गवाह के समान ही अपने कथनों पर स्थित रहा है। इस साक्षी ने जिरह में भी यह बयान दिया है कि यह गलत है कि जिन लोगों ने वी.आर.एस. के प्रार्थना पत्रों पर हस्ताक्षर नहीं किये हों उनका हनुमानगढ़ ट्रान्सफर किया हो। स्वैच्छा सेवानिवृति लेने के लिये कोई दबाव नहीं ढाला जाता है। प्रदर्श-1 प्रार्थना पत्र कर्मचारी लिखवा कर लाया, कहां से लिखवा कर लाया यह मुझे पता नहीं। इस प्रकार यह साक्षी शांतिलाल झंगर के कथनों की पुष्टि करता है कि प्रार्थना पत्र प्रार्थी लिखवा कर लाया था।

श्री आर.आर. पटेल ने अपनी जिरह में यह भी बयान दिया है कि प्रार्थी कितना पढ़ा लिखा है या नहीं यह उसकी सर्विस रेकार्ड देख कर ही बता सकता हूँ, जबकि प्रार्थी ने मेरे सामने साईन किये थे। प्रदर्श-एम-1 पर अंगूठा व हस्ताक्षर दोनों ही प्रार्थी के हैं, प्रार्थी ने अंगूठा व दस्तखत दोनों ही मेरे सामने किये। उस बबत मेरे चेम्बर में कितने आदमी थे मुझे याद नहीं लेकिन गवाह मौजूद थे। प्रदर्श-एम-1 किस समय पेश किया ये मुझे समय ध्यान नहीं लेकिन अफिस खुलने के कुछ समय बाद पेश किया था। मेरे चेम्बर में ये प्रार्थना पत्र दिया था। यह गलत है कि ये प्रार्थना पत्र प्रदर्श-एम-1 मेरे चेम्बर में पहले से पढ़ा हुआ था और प्रार्थी को बुला कर उसके हस्ताक्षर व अंगूठा कराये हों। ये गलत है कि मैंने उसको धमका कर अंगूठा या हस्ताक्षर कराये हों। ये गलत है कि प्रार्थी ने घबराहट में अंगूठा लगा दिया था इसलिये मैंने उससे बाद में हस्ताक्षर कराये हों। यह सही है कि मैंने इस पर कोई पृष्ठाकान नहीं किया है। प्रार्थी द्वारा यह प्रार्थना पत्र मेरे सामने पेश किया प्रार्थी का प्रार्थना पत्र मैंने संबंधित अधिकारी को भेज दिया था। उसका मुख्यालय से वी.आर.एस. स्वीकृत हुआ। मैंने प्रार्थना पत्र 2 तारीख को भेजा था, उक्त प्रार्थना पत्र मैंने फेक्स से भेजा था, फेक्स हनुमानगढ़ से किया था सही समय फैक्स का नहीं बता सकता कि कितने बजे किया। प्रार्थी के रिलीव आदेश की छाया प्रति लाया हूँ, प्रार्थी के रिलीव आदेश के आदेश की प्रति प्रदर्श-14 है। प्रार्थी का वी.आर.एस. मुख्यालय कार्यालय जयपुर से मंजूर किया था। वी.आर.

एस. प्रार्थना पत्र का स्वीकृति आदेश प्रदर्श-15 है। प्रदर्श-15 हमें फेक्स से 2-4-97 को प्राप्त हुआ था। कितने बजे प्राप्त हुआ, सही समय नहीं बता सकता। हमारे यहां जो भी डाक हेड आफिस से आती है उसका इन्वर्ड रजिस्टर में इन्ड्राज होता है। फैक्स से जो भी आदेश आते हैं वह जनली इन्वर्ड रजिस्टर में इन्ड्राज किये जाते हैं ये सही है कि प्रदर्श-14 रिलीव आदेश पर प्रार्थी के दस्तखत नहीं हैं। ये कहना गलत है कि प्रार्थी को प्रदर्श-14 रिलीव आदेश की कोपी नहीं दी गई हो। यह सही है कि प्रदर्श-15 आदेश पर प्रार्थी के हस्ताक्षर नहीं हैं लेकिन ये चारों ही संबंधित कर्मचारी श्री उदा पिता मेरा, श्री नारु पिता कालू, श्री देवा पिता राता, श्री हेमराज पिता काना को भेजा जाना दर्शाया है और प्रार्थी द्वारा प्रस्तुत प्रदर्श-15 से उक्त चारों कर्मचारियों के एक साथ रिलीव किया गया है और 2-4-97 को ही रिलीव किया गया है और इसकी कोपी भी संबंधित को भेजना दर्शाया है।

इस प्रकार से उभय पक्षों की साक्ष्य से यह प्रकट होता है कि प्रार्थी सेवानिवृति हेतु प्रार्थना पत्र दिया था वह स्वैच्छा से दिया था, चूंकि ये कथन उसने अपने प्रार्थना पत्र में ही अंकित किये हैं और किसी दबाव के तहत यदि उससे ऐसे प्रार्थना पत्र पर हस्ताक्षर कराये जाते तो प्रार्थी अवश्य ही पुलिस में रिपोर्ट करता या तभी तुरन्त अपने उच्च अधिकारी को भी इस बाबत शिकायत करता, परन्तु प्रार्थी ने ऐसा कोई कदम नहीं उठाया है तथा प्रार्थी ने साक्ष्य स्वरूप प्रस्तुत शपथ पत्र की चरण सं. 5 में यह अंकित किया है कि 2-4-97 को ही इयूटी से ऑफ कर दिया इसलिये मैं उदयपुर आ गया। अतः प्रार्थी को 2-4-97 को सेवानिवृति किया गया है। यह प्रार्थी स्वयं मानता है, यदि उसका यह कथन कि 2-4-97 को स्वैच्छा सेवानिवृति देने बाबत उसे जानकारी नहीं है, माने जाने योग्य नहीं है बल्कि प्रार्थी की 2-4-97 की पत्रावली पर प्रस्तुत रिपोर्ट प्रदर्श-14 एम-1 व 15 को देखने से यह प्रकट होता है कि प्रार्थी ने 2-4-97 को प्रार्थना पत्र पर स्वैच्छिक सेवानिवृति बाबत पेश कर तत्काल शीघ्रताशीघ्र सेवानिवृति करने का प्रस्तुत किया था। अतः हनुमानगढ़ के अधिकारी द्वारा मुख्यालय जयपुर को यह प्रपत्र फेक्स द्वारा प्रेषित कर दिया और फेक्स द्वारा ही अन्य श्रमिकों के साथ प्रार्थी की भी सेवानिवृति मंजूर कर ली गई जिसकी सूचना भी फैक्स द्वारा हनुमानगढ़ के अधिकारी को प्राप्त हो और उन्हें 2-4-97 को ही सेवानिवृति कर दिया गया है, जबकि प्रार्थी 2-4-97 को सेवानिवृति हो गया तो 11-4-97 को पुनः सेवा में रखने का पत्र प्रदर्श-3 परियोजना प्रबंधक पटेल सर्कल उदयपुर को देने का कोई औचित्य नहीं रहता है। चूंकि जिस दिन प्रार्थी ने यह प्रार्थना पत्र दिया, उस समय प्रबन्धन व प्रार्थी का नियोजित व नियोजक का सम्बन्ध ही नहीं था न ही प्रार्थी विपक्षी संस्थान में कार्यरत कर्मचारी था। एक बार सेवानिवृति आदेश मंजूर होकर सेवा निवृति हो जाने के पश्चात् पुनः सेवा में लिये जाने का कोई औचित्य नहीं रहता है, न ही विधि अनुसार सेवा में लिया जा सकता है, क्योंकि प्रार्थी ने स्वैच्छा से यह प्रार्थना-पत्र प्रस्तुत किया था।

जहां तक गणेशलाल, किशोरीलाल, उदयलाल का प्रार्थी के अनुसार ही पी.एल. अवकाश भुगतान के बाद ही स्वैच्छिक सेवानिवृति स्वीकार की गई थी और उन्होंने इस बीच ही सेवानिवृति वापस ले ली तब कानूनी रूप से इयूटी रहने से विपक्षी को उन्हें वापस नौकरी पर लेना पड़ा, परन्तु प्रार्थी का प्रकरण इन तीनों कर्मचारी से भिन्न है,

क्योंकि प्रार्थी की सेवानिवृत्ति उसी के अनुरोध पर शीघ्रातीशीघ्र उसी दिन कर दी गई थी।

प्रार्थी प्रतिनिधि द्वारा 2005 (105) एफ. एल.आर 44 बोम्बे करोना लि. बनाम सीताराम आत्माराम व अन्य का विधि दृष्टान्त पेश किया है, लेकिन इस विधि दृष्टान्त वाले मामले में तो श्रमिक को वी.आर.एस. स्कीम के तहत वी.आर.एस. लेने पर मिलने वाली राशि का भुगतान नहीं किया गया था। इसलिये श्रमिक को पुनः नियोजित किये जाने का आदेश दिया था जबकि हस्तगत प्रकरण में तो विपक्षी द्वारा जरिये छाप्ट। ये राशि प्रार्थी को भेजी गई थी इस सम्बन्ध में स्वयं प्रार्थी ने अपने क्लेम व शपथ पत्र में यह अभिकथन किया है कि मैंने स्वैच्छिक सेवा निवृत्ति के आधार पर दी गई चैक की राशि को स्वीकार नहीं की। इस प्रकार विपक्षी द्वारा तो राशि भेजी गई, लेकिन प्रार्थी ने उसे स्वीकार नहीं किया। इसलिये प्रस्तुत विधि दृष्टान्त के तथ्य इससे भिन्न होने के कारण प्रार्थी को कोई मदद नहीं करते हैं।

अतः विपक्षी के द्वारा प्रार्थी उदा को वी.आर.एस. स्कीम के तहत दिनांक 2-4-97 को जो सेवा समाप्त की गई है वह उचित एवं वैध है अतः प्रार्थी श्रमिक कोई राहत व राशि प्राप्त करने का अधिकारी नहीं है।

भारत सरकार के श्रम मंत्रालय द्वारा प्रेषित प्रसंग को उत्तरित करते हुए पंचाट इस प्रकार पारित किया जाता है कि—

“Whether the termination of service of UDA S/o Sh. Mere Gamati on 2-4-97 by the management of R.S.M.D.C. Ltd. Jaipur by way of Voluntary Retirement Scheme is legal and justified. Hence, workmen is not entitled to any relief.

पंचाट प्रकाशनार्थ भारत सरकार के श्रम विभाग को भेजा जाये।

उषा अग्रवाल, पीठासीन अधिकारी

नई दिल्ली, 24 अप्रैल, 2006

का. आ. 1981.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, श्रम-न्यायालय असनसोल के पंचाट (संदर्भ संख्या 63/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-04-2006 को प्राप्त हुआ था।

[सं. एल-22012/1/97-आईआर (सी-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 24th April, 2006

S.O. 1981.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 63/1997) of the Central Government Industrial Tribunal, Labour Court Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of ECL and their workman, which was received by the Central Government on 13-04-2006.

[No. L-22012/1/97-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT: Sri Md. Sarfaraz Khan, Presiding Officer

REFERENCE NO. 63 OF 1997

PARTIES: Agent, Bankola Colliery of ECL, Ukhra, Burdwan.

The General Secretary, Khan Mazdoor Karamchari Union, at & PO. Haripur, Burdwan.

REPRESENTATIVES:

For the management: Sri P.K. Das, Advocate.

For the union (workman): Sri M. Mukherjee, Advocate.

INDUSTRY: COAL STATE: WESTBENGAL

Dated the 28-02-2006

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/1/97-IR(C-II) dated 25-10-97 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Bankola Colliery, of M/s. E.C. Ltd. in dismissing Sh. Lukeman SK, Vehicles Driver, from service is legal and justified? If not, to what relief is the workman entitled and from which date?”

After having received the order No. L-22012/1/97-IR(C-II) dated 25-10-97 of the aforesaid reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 63 of 1997 was registered on 10-11-97 and accordingly an order to that effect was passed to issue notices to the respective parties through the registered post with a direction to appear in the court and file their written statement along with documents if any in support of their claims. Pursuant to the said order notices were issued to the parties concerned and after receipt of the notices Sri P.K. Das, Advocate and Sri M. Mukherjee Advocate appeared in the court representing the management and the workman concerned and written statements were also filed on their behalf in support of their case.

On purusal of the record it transpires that on joining of the Presiding Officer the notices were issued on 27-7-04 to both the parties fixing 11-8-2004 for their appearance. Sri P.K. Das, advocate appeared on behalf of the management on the date fixed i.e. 11-8-2004. It is further clear from the order sheets that notice was served upon the union on 31-7-2004 as it is clear from the endorsement on the acknowledgement card itself. But in spite of several adjournments none appeared in the court to represent the union till 28-2-2005. So it is clear from the order sheets of the record that the union has got no interest to proceed

with the case. In spite of the receipt of the notices and having the best knowledge about the pending of the reference neither the union nor the workman or his lawyer concerned appeared in the court.

In the present facts and circumstances of the case it is not proper and advisable to keep this old reference pending any more in anticipation of the appearance of the union. Accordingly it is hereby

ORDERED

that let a "No Dispute Award" be and the same is passed. Send the copies of the award to the Ministry of Labour, Govt. of India, New Delhi for information and needful.

MD. SARFARAZ KHAN, Presiding Officer

नई दिल्ली, 24 अप्रैल, 2006

का. आ. 1982.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधितंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, असनसोल के पंचाट (संदर्भ संख्या 74/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-04-2006 को प्राप्त हुआ था।

[सं. एल-22012/157/95-आईआर (सी-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 24th April, 2006

S.O. 1982.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 74/95) of the Central Government Industrial Tribunal, cum Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 13-04-2006.

[No. L-22012/157/95-JR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT: Sri MD. Sarfaraz Khan,
Presiding Officer

REFERENCE NO. 74 OF 1995

PARTIES: Agent, Victoria, Colliery of BCCL, Barakar, Burdwan.

The Vice President, Colliery Mazdoor Congress, Victoria West Colliery, Barakar, Burdwan.

REPRESENTATIVES:

For the management: Sri P.K. Das, Advocate.

For the union (workman): Sri M. Mukherjee, Advocate.

Industry : Coal
State : West Bengal
Dated the 08-03-2006

AWARD

In exercise of powers conferred by clause (d) of sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/157/95-IR(C-II) dated 07-12-95 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of Victoria West Colliery is not declaring Sh. Ram Khelawan Dhari, U.G. Loader and thereby depriving the dependent concerned is justified? If not, to what relief is the workman entitled to?"

Having received the order No. L-22012/157/95-IR(C-II) dated 07-12-95 of the said reference from the Govt. of India, Ministry of Labour New Delhi for adjudication of the dispute, a reference case No. 74 of 1995 was registered on 18-12-95 and an order was passed to issue notices by registered post to the parties concerned with a direction to appear in the court and file respective written statement along with documents if any in support of their claims. On receipt of the notices issued Sri P.K. Das, Advocate for the management and Sri M. Mukherjee Advocate for the union appeared and filed their written statement in support of their case.

It transpires from the record that on joining of the Presiding Officer the order was passed to issue notices afresh to the parties fixing 24-8-04 to appear and to take suitable steps on their behalf. The order sheets of the record further reflects that Sri P.K. Das, advocate for the side of the management appeared on the date fixed but nobody appeared on behalf of the union to represent the workman concerned. The order sheets of the record further go to show that several adjournments were given to the union to appear in the court but to no effect. Ultimately when nobody appeared on behalf of the union to represent the case of the delinquent workman till 8-3-06 it was clear that the union had lost his interest in the dispute and as such it was held that it was not just and proper to go on waiting for the appearance of the union for an un-ending long period. Accordingly it is hereby.

ORDER

that let a "No Dispute Award" be and the same is passed. Send the copies of the award to the Ministry of Labour, Govt. of India, New Delhi for information and needful. The reference is accordingly disposed off.

MD. SARFARAZ KHAN, Presiding Officer

नई दिल्ली, 24 अप्रैल, 2006

का. आ. 1983.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू.सी.एल.

के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 31/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-04-2006 को प्राप्त हुआ था।

[सं. एल-22012/316/94-आईआर (सी-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 24th April, 2006

S.O. 1983.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 31/95) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Coalfields Limited and their workman, which was received by the Central Government on 13-04-2006.

[No. L-22012/316/94-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/31/95

PRESIDING OFFICER: SHRI C.M. SINGH

The Secretary,
Rashtriya Koya Khadan Mazdoor Sangh (INTUC),
Post Chandametta,
Distt. Chhindwara

Workman/Union

Versus

The General Manager,
Pench Area, WCL,
Post Parasia,
Distt. Chhindwara

Management

Bench of Lok Adalat

1. Shri C.M. Singh, Presiding Officer CGIT-cum-Labour Court, Jabalpur	Chairman
2. Shri R.C. Shrivastava, Advocate	Member
3. Shri Liyakat Ullah, Advocate	Member

AWARD

Passed on this 26th day of March, 2006

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/316/94-IR(C-II) dated 01-2-95 has referred the following dispute for adjudication by this tribunal:

“Whether the action of the management of WCL is justified in terminating the services of Shri Chaitram, DPR T. No. 1457 of Bhamori Colliery, Pench Area w.e.f. 25-7-93 is legal and justified. If not, to what relief is the workman entitled to?”

2. In this reference, management moved a joint application by the management as well as the workman/Union (Paper No. 5) with the prayer for giving award in

terms of settlement attached thereto as paper No. 5/2 on Form-H. Shri S.K. Rao, Sr. Advocate, learned counsel for the workman/Union and Shri A.K. Shashi, Advocate the learned counsel for the management submitted that award be passed in terms of settlement arrived between the parties on Form-H on record which is duly signed by the representatives of the parties. The following are the terms contained in the memorandum of settlement:—

- i. It is agreed by the management to re-employ Shri Chaitram ex. D.P.R Bhamori as Piece Rated Loader with posting in any one colliery/unit under Kanhan Area of WCL as may be decided by the General Manager, Kanhan Area.
- ii. It is further agreed that the period of absence/ idleness of Shri Chaitram ex. D.P.R. i.e. non employment period from the date of termination to the date of joining at his new place of posting shall be treated as Dies-Non (No work No pay) but his past services shall be taken into account for the purpose of gratuity only.
- iii. Shri Chaitram Ex. D.P.R. shall submit a written assurance of good conduct and performance and regular attendance in future, before joining the duties.
- iv. On re-employment at Kanhan Area the performance and conduct of Shri Chaitram will be closely watched for a period of one year from the date of his joining and in case his conduct and performance are not found satisfactory his service will be terminated without any notice or assigning any reason whatsoever.
- v. The Union/workman agreed to forgo and give up all other claims/benefit and accept the above terms as full and final settlement of the dispute. Neither the Union nor the workman concerned shall raise any claim/Dispute whatsoever in future at any forum or through any other union/Agency about the subject matter covered.
- vi. Shri Chaitram ex D.P.R. will not be entitled for T.A. for joining his duties at the New place of posting.
- vii. Shri Chaitram ex D.P.R will report for his duties to General Manager, Kanhan Area within a month (within 30 days) from the date of signing this settlement.
- viii. This settlement settle the dispute fully and finally and it shall not be treated as precedence in any other case.

2. I have very carefully gone through the above mentioned terms of settlement. They are just and fair. Therefore on the basis of compromise reached between the parties, the award is passed in accordance with the terms of settlement mentioned above without any order as to costs.

3. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C.M. SINGH, Presiding Officer
R.C. SHRIVASTAVA, Member
LIYAKAT ULLAH, Member

नई दिल्ली, 24 अप्रैल, 2006

का. आ. 1984.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/जबलपुर के पंचाट (संदर्भ संख्या 77/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-4-2006 को प्राप्त हुआ था।

[सं. एल-22012/452/94-आई.आर.(सी.-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 24th April, 2006

S.O. 1984.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Reference No.77/97) of the Central Government Industrial Tribunal cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Southern Eastern Coalfields Limited and their workman, which was received by the Central Government on 13-4-2006.

[No. L-22012/452/94-IR(C-II)]

AJAY KUMAR, GAUR Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL

TRIBUNAL CUM-LABOUR-COURT, JABALPUR

No. CGIT/LC/R/77/97

PRESIDING OFFICER: SHRI C. M. SINGH

The General Secretary,
Koyla Mazdoor Sabha, UTUC,
Post. Dhanpuri,
Distt. Shahdol (MP)

Workman/Union

VERSUS

Sub Area Manager,
Burhar Group of Mines,
Post. Dhanpuri,
Distt. Shahdol (MP)

Management

Bench of Lok Adalat

- Shri C.M. Singh, Presiding Officer
CGIT Cum Labour Court,
Jabalpur
- Shri R.C. Shrivastava,
Advocate
- Shri Liyakat Ullah,
Advocate

Chairman

Member

Member

AWARD

Passed on this 26th day of March, 2006

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/452/94-IR (C-II) dated 10-3-97 has referred the following dispute for adjudication to this tribunal:—

“Whether the action of the sub Area Manager, Burhar Sub Area of Sohagpur Area of SECL in refusing to correct the date of birth of Sh. Sakal Raj Singh S/o Sh. Jwala Singh Pump Khalasi, T. No. 1264, Burhar No. 1 Minies from 1-7-43 to 2-8-50 is legal and justified? If not, to what relief the concerned workman is entitled to?”

2. In this reference Shri Sakal Singh moved application dated 11-2-06 for closing this reference. In the said application, he submitted that the management has fulfilled his demand and has amended his date of birth in the official record according to his wishes and now the reference be closed. Workman Shri Sakal Raj Singh in person also submitted the same. Shri A. K. Shashi, Advocate, the learned counsel for the management also submitted that he has no objection if the reference is closed for passing no dispute award. In view of the above, the reference was closed for passing no dispute award.

3. As discussed above, it appears that now no dispute is left between the parties and therefore no dispute award is passed without any order as to costs.

4. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer.

R. C. SHRIVASTAVA, Member

LIYAKAT ULLAH, Member

नई दिल्ली, 24 अप्रैल, 2006

का. आ. 1985.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/जबलपुर के पंचाट (संदर्भ संख्या 163/1990) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-4-2006 को प्राप्त हुआ था।

[सं. एल-22011(73)/82.डी.-III-बी/आई.आर.(सी.-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 24th April, 2006

S.O. 1985.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Reference No.163/1990) of the Central Government Industrial Tribunal- cum Labour Court, Jabalpur now as shown in

the Annexure in the Industrial Dispute between the employers in relation to the management of Western Coalfields Limited and their workman, which was received by the Central Government on 13-4-2006.

[No. L-22011(73)/82-D-III-B/IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, JABALPUR**

No. CGIT/LC/R/163/90

PRESIDING OFFICER: SHRI C. M. SINGH

The Secretary,
M.P.R.K.K.M.S. (INTUC),
Post. Chandametta,
Distt. Chhindwara

Workman/Union

VERSUS

The Agent,
Newton Group of W.C.L.,
Post. Newton Chickli,
Distt. Chhindwara

Management

AWARD

Passed on this 30th day of March-2006

1. The Government of India, Ministry of Labour vide its Notification No. L-22011(73)/82-D-III-B/IR Coal II- Part dated 11-7-90 has referred the following dispute for adjudication by this tribunal:—

“Whether the action of the Management of W. C. Ltd., Pench Area in relation to their Newton Chickli “B” Colliery in not promoting/regularising Shri Fateyab Khan to clerical grade-I is justified? If not, to what relief the workman is entitled?”

2. In this reference, 29-3-2006 was the date fixed for adducing evidence on behalf of workman. On this date, Shri S. K. Rao, Sr. Advocate the learned counsel for the workman submitted that the workman does not want to prosecute the reference and no dispute award be passed in this reference. Shri A. K. Shashi Advocate for management submitted that he has no objection if no dispute award is passed in this reference.

3. It appears from the above that perhaps no industrial dispute is left between the parties and therefore the learned counsel for the parties submitted that no dispute award be passed in the reference. Having considered the submission made by both the parties, I am of the view that it shall be just to pass no dispute award in the reference. Consequently no dispute award is passed in the reference without any order as to costs.

4. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 24 अप्रैल, 2006

का. आ. 1986. —औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (संदर्भ संख्या 3/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24/4/2006 को प्राप्त हुआ था।

[सं एल-22012(3)/2001/आई.आर. (सी.-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 24th April, 2006

S.O. 1986. —In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Reference No. CGIT/LC/R/3/2002) of the Central Government Industrial Tribunal cum Labour Court, Jabalpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Mohan Colliery of WCL, and their workman, which was received by the Central Government on 24-4-2006

[No. L-22012(3)/2001/IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

No. CGIT/LC/R/3/2002

PRESIDING OFFICER: SHRI C. M. SINGH

The General Secretary,
R.K.K.M.S. (INTUC),
Post. Chandametta,
Distt. Chhindwara

... Workman/Union

Versus

General Manager,
W.C.L, Pench Area,
Post Parasia,
Distt. Chhindwara (M.P.)

... Management

AWARD

Passed on this 29th day of March, 2006

1. The Government of India, Ministry of Labour vide its Notification No. L-22012(3)/2001-IR (C-II) dated

11-12-2001 has referred the following dispute for adjudication by this tribunal:—

“Whether the action of the sub Area Manager, Thisgora/Mathani Sub Area of WCL, P.O. Parasia, Distt. Chhindwara (MP) in dismissing the services of Shri Bishanlal Dehariya, Clerk of Mathani Underground Mine of WCL w.e.f. 13-3-1999 is Legal and justified ? If not, to what relief the concerned workman is entitled ?”

2. In this reference, application No. 7 has been moved on behalf of the management with the prayer that the award in the reference be passed in terms of settlement attached with the application. Shri A. K. Shashi, Advocate for management submitted that settlement deed (Paper No. 7/2 to 7/4) has been duly signed by the concerned parties and the matter has been compromised in accordance with the settlement deed between the parties and therefore the award be passed in terms of settlement. The settlement deed on record has been duly signed by the representative of workman and the representative of the management. I have every carefully gone through the terms of settlement. The terms of settlement are just and fair. The following are the terms of Settlement :—

- (i) Bishan Lal Dehariya, Ex-clerk shall be re-employed as Cat-I Mazdoor in the initial basic of pay subject to his medical fitness.
- (ii) It is agreed that he shall be posted at Ballarpur Area on his re-employment.
- (iii) In case of unsatisfactory performance, his further retention shall not be allowed.
- (iv) He shall give an undertaking in writing for his good conduct in future.
- (v) The period of his idleness from the date of dismissal i.e. 13-3-1999 to the date of re-employment shall be treated as dies non on the principle of “No work No Pay” and will not be entitled for any benefit, whatsoever for this period except for a limited purpose of gratuity.
- (vi) This is full and final settlement and the workman concerned shall not raise any claim/dispute whatsoever in future in any forum or through any other union about this settlement. This will also not be cited as precedence for any other case.
- (vii) The person concerned should report for duty within 10 days on receipt of the appointment order to the place of posting, otherwise, the offer of re-employment shall be treated as cancelled.
- (viii) A copy of the offer of re-employment duly signed by him as token of acceptance of these

conditions shall be obtained and kept for office record.

3. I have very carefully gone through the above mentioned terms of settlement. They are just and fair. Therefore on the basis of compromise between the parties, the award is passed in accordance the terms of settlement mentioned above without any order as to costs.

4. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 24 अप्रैल, 2006

का. आ. 1987. —ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (संदर्भ संख्या आई डी. 263/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24/4/2006 को प्राप्त हुआ था।

[सं. एल-22012/283/1995/आई.आर. (सी.-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 24th April, 2006

S.O. 1987. —In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Reference No. CGIT/LC/R/263/297) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the management of SECL, and their workman, which was received by the Central Government on 24-4-2006

[No. L-22012/283/1995/IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

No. CGIT/LC/R/263/97

Presiding Officer : Shri C. M. Singh;

Shri Bansi Prasad

S/o Shri Raghunath Prasad

Quarter No. 3/19, Urja Nagar,

Gevra Project,

Distt. Bilaspur (MP)

... Workman/Union

VERSUS

DEPUTY GENERAL MANAGER,
Sothern Eastern Coalfields Ltd.,

Gevra Project,

Distt. Bilaspur (MP)

... Management

Passed on this 30th day of March 2006

AWARD

1. The Government of India, Ministry of Labour vide its Notification No. L-22012(283)/95-IR (C-II) dated 2-9-97 has referred the following dispute for adjudication by this tribunal:—

“Whether the action of the Management of Gevra Project of SECL in retiring Shri Bansi Prasad, Assistant Foreman w.e.f. 1-1-1994 by treating his date of birth as 1-1-1934 and thereby refusing to change his date of birth is legal and justified? If not, to what relief is the workman entitled and from which date?”

2. The case of workman Shri Bansi Prasad in brief is as follows. That he was initially appointed as Mechanical Fitter at Banki colliery on 20-7-1960. Subsequently he was transferred to Gevra Project in capacity of Assistant Foreman (Mechanical). At that time, Coalfields were owned by NCDC. Subsequently the Coal India Limited, after nationalisation of coal fields, took over the coal fields and the same is owned by C.I.L and its subsidiary company i.e. Southern Eastern Coalfields Limited. That when the workman entered into the services, his date of birth was recorded as 1-1-1941. In form B register prepared under the statutory provisions of the Mines Act, his date of birth was entered as 1-1-1941. The Coal Mines Provident Fund record also contained date of birth of the workman as 1-1-1941. It appears that the date of birth has been wrongly recorded and there is over-writing on it in the service record of the workman. The workman was shocked to receive the order dated 28-5-93 whereby it was directed that he will attain the age of superannuation on 1-1-1994 treating his date of birth as 1-1-1934. The workman is already having the identity card issued by LCDC Ltd., As per the entry in the identity card, his date of birth should have been treated as 1941. By virtue of implementation of Instruction No. 76 which is a statutory provision, the management were duty bound to treat the date birth as 1941 as indicated in the identity card. The management has not corrected its mistake and the workman was compelled to be retired from service for the reasons attributable to the management. The action of the management is not only against the provisions of implementation of Instruction No. 76 but also unfair, unjust, unreasonable and malafide in nature. That the age Determination Committee was not constituted according to implementation of Instruction No. 76. The findings, if any of the Departmental Age Determination Committee is also perverse and not based on any scientific assessment. The management is responsible to deprive the workman to complete his service upto 60 years in the department. The management is, therefore, liable to pay wages for the intervening period.

3. The management in order to contest the reference filed its Written Statement. The case of the management in

brief is as follows. South Eastern Coal Fields Limited is a Government of India undertaking whose head office is situated at Bilaspur, MP. That workman Shri Bansi Prasad had been working in Gevra Project of Gevra Area which is one of the areas of SECL. The workman was last working in Gevra Project of SECL where from he was retired on attaining superannuation w.e.f. 1-1-94. He was initially appointed in Banki colliery where from he was transferred to Gevra Project as Assistant Foreman (Mechanical). The workman during his long service period has never raised a dispute regarding his date of birth recorded in the service record. Rather the applicant has all along put his signature as a token of his acceptance of the date of birth recorded in the service register. Only after receipt of letter dated 28-5-93, informing that he would be attaining the age of superannuation on 1-1-94, the workman had first raised the dispute regarding his date of birth recorded in the service record. Though the workman at the end of his service has raised a dispute regarding date of birth recorded in service register without providing any substantial documentary evidence, the management has considered his representation and his case was referred to the Age Determination Committee. The Age Determination Committee confirmed that the date of birth of the workman is 1-1-34 which was communicated to the workman by letter No. 3237 dated 13-7-93. As per the procedure prevailing with the management company, if any employee raises any dispute regarding the date of birth recorded in service register, such a dispute shall be referred to the Age Determination Committee consisting of expert medical practitioner also and the decision of ADC is final. The date of birth of workman as recorded in the service register maintained by the management since the beginning of service tenure of the workman with the management as well as B Form is 1-1-34 which has been signed by the workman as the token of acceptance. The workman was retired after attaining the age of 60 years on 1-1-94 on the basis of the date of birth recorded in service record as well as confirmed by the Age Determination Committee which is 1-1-34. The averment made by the workman in his statement of claim to the effect that the date of birth has been wrongly recorded and over-written in the service record. The workman has not annexed a copy of identity card issued by NCDC Ltd. In the absence of so-called identity card, the management is not in a position to comment on this issue. The action of the management is well within the provisions of implementation Instruction No. 76 and is fair, just and reasonable. The Age Determination Committee is constituted according to the implementation Instruction No. 76 and findings thereof is final. The committee after getting the applicant examined gave its findings and there is no error in it. The workman has attained the age of super annuation on 1-1-94 and he is not entitled for any relief.

4. The workman in order to prove his case examined himself. The management in order to prove its case examined management's witnesses Shri J. N. Trivedi, the then working as Works Manager, Regional Office, Gevra Region, Distt. Korba (State of Chhattisgarh) and Shri B. S. Sagar, the then working as office superintendent, Gevra Project, Distt. Korba (State of Chhattisgarh).

5. Both the parties have filed certain documents in support of their respective case. Those documents shall be discussed in the body of this award at appropriate places.

6. I have heard Shri Vijay Tripathi, Advocate learned counsel for workman and Shri A. K. Shashi, learned counsel for the management. I have very carefully gone through the entire evidence on record.

7. In this reference, the dispute is regarding the date of birth of workman Shri Bansi Prasad. According to his averment, his actual date of birth is 1-1-1941 whereas in his present service record, it is wrongly recorded as 1-1-1934 and on the basis of this wrongly recorded date of birth, he was retired from the service on 1-1-94. And in this manner, he was deprived of service for about 7 years. Briefly stating—the case of the workman is that he was initially appointed as mechanical fitter at Banki colliery on 20-7-1960 and his date of birth was recorded in service record as 1-1-1941. Subsequently he was transferred to Gevra Project in the capacity of Assistant Foreman (Mechanical) and at that time coal fields were owned by NCDC. Thereafter the Coal Field India, after nationalization of the coal fields took over the coal fields and the same is owned by CIL and its subsidiary company i.e. SECL. It appears that his date of birth 1-1-34 has been wrongly recorded and there is over-writing on it in the service record. It is admitted to the management that workman was initially appointed in Banki colliery where from he was transferred to Gevra Project as Assistant Foreman (Mechanical) where from he was retired on attaining superannuation on 1-1-94. The learned counsel for the workman submitted that the date of birth of the workman was wrongly recorded as 1-1-34 while he was transferred to Gevra Project as Assistant Foreman (Mechanical). Regarding it, the learned counsel for the management emphasised that his correct date of birth has been recorded in the service record of SECL. The learned counsel for the management submitted that the workman during his long service period had never raised dispute regarding his date of birth recorded in the service record; rather, the workman has all along put his signature as a token of his acceptance of the date of birth recorded in the service register. He further submitted that at the fag end his service when the workman was going to be retired on 1-1-94, first of all he raised this question that his date of birth is wrongly recorded as 1-1-34 in the service record instead of 1-1-41 and for the same he moved an application to the Dy. General Manager, SECL, Gevra Project with the request

that his case be referred to the Age Determination Committee. There is a photocopy of application marked Exhibit M-4 which clearly reveals that the workman Shri Bansi Prasad vide application dated 25-4-91 moved to the Dy. General Manager, SECL, Gevra Project for referring his case to Age Determination Committee for correcting his date of birth. It is clear that he was to retire on 1-1-94 meaning thereby he moved the said application about 2 years and 8 months earlier than the date of his superannuation. The learned counsel for the management in this respect submitted that the workman should not be allowed to raise the dispute regarding his date of birth at fag end of career. In this respect he placed his reliance on 2001-I-LLJ(SC)-1695 in the case of Hindustan Lever Ltd. versus S.M. Jadhav and another. I have very carefully gone through the law cited above. It was held in the law cited above that the Supreme Court allowed this appeal which was against the order of a Division bench of the High Court. The Division bench in its impugned order had allowed the appeal of the respondent and thereby held his plea that his date of birth was August 29, 1930 and not June-12, 1927 as entered in his service record. The Supreme Court observed that the party could not be allowed to raise a dispute regarding his date of birth at the fag end of his career, as the respondent in this case did. The case of the respondent that he had intimated the company earlier (in 1953) itself was not believable. In the case at hand it has been averred in the statement of claim that the workman was shocked to receive the order dated 28-5-93 whereby it was directed that he will attain the age of superannuation on 1-1-94 by treating his date of birth 1-1-34. The Photostat copy of the said order is Exhibit M-3 of the court. It has come no where in the statement of claim that earlier than moving application dated 25-4-91 to the General Manager, SECL, Gevra Project, he raised the question that his date of birth was not correctly recorded in the service record which clearly means that he raised dispute regarding his date of birth near about fag end of his service career and in this case, there is no evidence on record to show that earlier than 25-4-91 he ever raised the dispute regarding his date of birth with the management. Therefore *prima-facie* his claim is not believable as per law cited above.

8. By the application dated 25-4-91 Exhibit M-4 workman Shri Bansi Prasad had requested the Dy. General Manager that his date of birth in the service register recorded as 1-1-34 is wrong and his date of birth is 1941 and by that application, he prayed that his case should be referred to Age Determination Committee. The evidence on record of management's witness Shri B. S. Sagar, the then Office Superintendent, Gevra Project, Korba (State of Chhattisgarh) clearly indicates that the case of the workman was referred to the Age Determination Committee, the Committee examined his age on 27-3-93 and gave the finding that the age of the workman was 1-1-34. This oral testimony of the witness also finds

collaboration in Ex. W-3 which is Photostat copy of the letter issued by Personal Manager, SECL, Gevra Project to Shri Bansi Prasad, workman. In this regard, the workman averred in his statement of claim that the Age Determination Committee was not constituted according to Implementation Instruction No. 76 and the findings if any of the department. Age Determination Committee is also perverse and not based on any scientific assessment. Both the parties through Exhibit M-3 and Exhibit W-3 are relied on Implementation Instruction No. 76 for procedure for determination/verification of age of employees. According to the evidence of management, Age Determination Committee was constituted and gave its finding regarding the age of the workman according to the procedure laid down in Implementation Instruction No. 76. There is no believable evidence on record from the side of workman that the Age Determination Committee was not legally constituted and did not give finding on the scientific basis. In this respect it shall be worthwhile to mention here that so-called affidavit of workman Shri Bansi Prasad has been filed on record but it is not a legally sworn in affidavit and therefore cannot be treated as evidence. However only for the sake of argument if it is presumed that it is a legal affidavit, it is not believable on the point that Age Determination Committee did not give its finding regarding his age in accordance with Implementation Instruction No. 76. It is very clear from the facts discussed above that on the request of the workman, the Age Determination Committee was constituted according to rules and the Committee confirmed his date of birth as 1-1-1934. In this respect, the learned counsel for the management submitted that the question regarding correctness of date of birth of the workman, Age Determination Committee has given its finding in accordance with rules and therefore this tribunal should not interfere to exercise its jurisdiction. In this regard, he placed his reliance on 2000(8)SC Cases-696 in the case of G.M. Bharat Cooking Coal. Ltd., West Bengal versus Shib Kumar Dushad and others. I have gone through the law cited above by the learned counsel for the management. In this case, the question regarding correctness of date of birth as entered in the service record was raised by the workman long after his joining the service and the employer (management) decided the question following procedure prescribed by statute on statutory rules or instructions and therefore in the absence of any arithmetical or typographical error apparent on the face of the record, this tribunal should not exercise its jurisdiction interfering with the decision of Age Determination Committee constituted by the management.

9. It is to be noted here that the workman has filed Transfer Certificate of Primary Pathshala, Hazaribagh, his identity card purported to be issued by the National Coal Development Corporation Ltd. and a certificate of Mukhiya for proving that his actual date of birth is 1-1-41. I have very carefully gone through the documents mentioned

above. The Transfer Certificate of the Primary Pathshala has not been proved in accordance with law. It does not appear to be authentic. Even the name of Primary Pathshala is not printed on it. Besides the above, no date of birth is entered into it. The column regarding the date of birth is not completely filled, only year 1941 is written therein. It is not known, whose year of date of birth is that. Similarly the identity card is also not authentic. It is not proved by any evidence according to law and there appears to be some erosion at the place where the workman has signed. These type of documents cannot be placed reliance upon. Certificate of Mukhiya has also not been proved in accordance with law and therefore it cannot be read in evidence.

10. Besides the above from the evidence of management's witness Shri J. N. Trivedi, the then working as Works Manager, Regional Office, Gevra Region, Distt. Korba, Chhattisgarh. It is proved that earlier the workman was an employee of NCDC and on his transfer from there he joined Gevra Project. That when he was transferred, his original service record was received from NCDC. This witness on being cross-examined, stated that he had brought the original service record which was received from NCDC on the transfer of workman to Gevra Project. After going through the entries of the said record the witness stated that the date of birth of workman is recorded as 1-1-34 in the said record. Against it, there is no authentic evidence from the side of the workman to prove that his date of birth was originally recorded as 1-1-1941 which is his actual date of birth.

11. From the discussion above made, it is concluded that the date of birth of workman Shri Bansi Prasad is 1-1-34 and the same has been rightly recorded in his service record. In view of the above, it is concluded that the action of the management of Gevra Project of SECL in retiring Shri Bansi Prasad, Assistant Foreman w.e.f. 1-1-94 by treating his date of birth as 1-1-34 and thereby refusing to change his date of birth is legal and justified and the workman is not entitled to any relief. But keeping the facts and circumstances of this case into consideration, I am of the view that the parties should be directed to bear their own costs of this reference proceedings.

12. In view of my above findings, the reference order is decided in favour of the management and against the workman holding that the action of the management of Gevra Project of SECL in retiring Shri Bansi Prasad, Assistant Foreman w.e.f. 1-1-94 by treating his date of birth as 1-1-34 and thereby refusing to change his date of birth is legal and justified. The workman is not entitled to any relief. The parties shall bear their own costs of this reference proceedings.

C. M. SINGH, Presiding Officer

नई दिल्ली, 24 अप्रैल, 2006

का. आ. 1988.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. पी. डब्ल्यू. डी. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 15/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-04-2006 को प्राप्त हुआ था।

[सं. एल-42012/135/2004-आईआर(सी.-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 24th April, 2006

S.O. 1988.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.15/2005) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, New Delhi as shown in the Annexure in the Industrial Dispute between the management of Central Public Works Department, and their workmen, received by the Central Government on 24-04-2006.

[No. L-42012/135/2004-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI SANT SINGH BAL : PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 : NEW DELHI

ID. No. 15/2005

In the matter of dispute between :

Shri Harpal Singh,
C/o All India CPWD(MRM)

Karamchari Sangathan,
4823, Balbir Nagar Extn.,
Gali No. 13, Shahdra,
Delhi-110032.

... Workman

Versus

The Executive Engineer,
Central Public Works Department,
Faridabad Central Elect. Division, NH-4,
Faridabad.

Management

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42012/135/2004-IR(C-II) dated 5-5-2005 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the management of Central Public Works Department in terminating the services of Shri Harpal Singh son of Shri Ravi Karan Singh, Lift Operator w.e.f. 17-5-2001 is legal and justified ? If not, to what relief the workman is entitled ?”

2. After receipt of the reference notices were issued to the parties and on 28-7-2005 Shri Satish Kumar General

Secretary of the workman and Shri R. K. Rawat A/R for the management appeared. From 28-7-2005 till today for adjournments have been granted for filing of claim and today i.e. on 4-4-2006 none is present for the workman. I am informed by Bhagat Singh, Reader of the Court that Mr. Rajinder Kumar Rawat Advocate A/R for the management appeared and filed copy of application which is placed on record. Perusal of the order sheet shows that one Shri Kanji Ram on behalf of Shri Satish Kumar Sharma A/R for the workman appeared on 26-9-2005 and requested for adjournment when the case was adjourned to 1-12-2005 for filing claim by the workman but none appeared and the case was again adjourned to 31-1-2006 for filing claim by workman and thereafter case was adjourned for today i.e. 4-4-2006 for filing claim by the workman and the workman was granted last opportunity to file claim today. Today also neither the workman nor anybody on his behalf appeared to file his claim. It appears that the workman is not interested in prosecuting his claim any further. There does not appear to be dispute between him and the management. Hence No Dispute award is accordingly passed. File be consigned to record room.

Dated : 4-4-2006

S. S. BAL, Presiding Officer

नई दिल्ली, 24 अप्रैल, 2006

का. आ. 1989.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एच. डी. एफ. सी. बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. I, नई दिल्ली के पंचाट (संदर्भ संख्या आई डी-11/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-04-2006 को प्राप्त हुआ था।

[सं. एल-12012/268/2004-आईआर(बी.-I)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 24th April, 2006

S.O. 1989.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (ID-11/2005) of the Central Government Industrial Tribunal/Labour Court, No. I, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of H.D.F.C. Bank and their workman, which was received by the Central Government on 24-4-2006.

[No. L-12012/268/2004-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI S. S. BAL : PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NEW DELHI.

ID. No. 11/2005

नई दिल्ली, 24 अप्रैल, 2006

का. आ. 1991.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ बीकानेर एण्ड जयपुर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, /अम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या आई डी-13/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-04-2006 को प्राप्त हुआ था।

[सं. एल-12012/348/2001-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 24th April, 2006

S.O. 1991.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (ID-13/2002) of the Central Government Industrial Tribunal/Labour Court, Lucknow now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of Bikaner & Jaipur and their workman, which was received by the Central Government on 24-04-2006.

[No. L-12012/348/2001-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT LUCKNOW

PRESENT : Shrikant Shukla, Presiding Officer

I.D. No. 13/2002

Ref. No. L-12012/348/2001-IR (B-I) Dt. 5-2-2001

BETWEEN:

Bhanu Pratap

S/o Radhey Shyam Tewari 161/76

Jawahar Nagar Kanpur (U.P.) 208001

AND

The General Manager State Bank of Bikaner & Jaipur
Head Office, Tilak Marg, Jaipur (Rajasthan) 302 001

The Manager State Bank of Bikaner & Jaipur

Ratanlal Nagar, Kanpur (U.P.) 208001

AWARD

The Government of India, Ministry of Labour, New Delhi referred the following dispute No. L-12012/348/2001-IR (B-I) dated 5-2-2001 for adjudication to the Presiding Officer, CGIT-cum-Labour Court, Lucknow;

“क्या स्टेट बैंक आफ बीकानेर एण्ड जयपुर के प्रबन्धन द्वारा कर्मकार श्री भानु प्रताप को दि. 15-2-1985 से सेवा से निष्कासित करना न्यायोचित है? यदि नहीं तो संबंधित कर्मकार किस अनुतोष का हकदार है?”

It is admitted fact that the worker Bhanu Pratap S/o Sri Baij Nath was employed during 27-11-84 to 14-2-85 on the post of peon. Ratan Lal Nagar Branch & State Bank

of Bikaner & Jaipur. Allegations on behalf of the worker in the statement of claim is that the services of Bhanu Pratap were terminated on 15-2-85 without assigning any reason in violation of provision of I.D. Act. It is further alleged that banks is resorting to a policy where by they are not allowing the employee to be employed for 90 days and therefore the services of class IV are terminated and in the vacant post other persons are employed. It is also alleged that the work of the peon is of permanent nature. It is submitted that against the illegal termination of the worker, worker approached to conciliation committee before Asstt. Labour Commissioner(C) Kanpur through U.P. Bank employees federation and during those proceeding the bank management placed its objection and assured that such persons will be invited for employment. Accordingly Govt. of India, Ministry of Labour did not refer the matter for adjudication. Aggrieved by the decision of the Govt. of India, Ministry of Labour the worker filed writ petition no. CMWP 45884 of 1992 before Hon'ble High Court, Allahabad in which on 12 March 1999 the Hon'ble High Court directed the writ mandamus. The operative portion of which is as follows;

“Let a mandamus do issue accordingly. In case reference is sought by individual workman once again within a period of two months from the date a certified copy of this order is obtained by the union, the appropriate authority under section 10 is directed to reconsider the said question once again within a period of one month from the date of raising such dispute. No Cost.”

Worker again approached Asstt. Labour Commissioner (C) Kanpur and accordingly the Government referred the matter for adjudication. It is further alleged that the bank management did not invite the worker for employment. It is further stated that banks act comes under the definition of retrenchment and the provision of Section 25 G & H are applicable. It is further submitted that juniors to the worker have been retained in the service. Therefore the worker has prayed that the termination order at 15-2-85 be declared as illegal and unjustified and accordingly the worker be reinstated back in the service with all consequential benefits.

Worker has not filed any documentary evidence in support of his case.

Management has filed its written statement denying the claim. It is submitted that workman was engaged temporarily for a period of 3 months and the dispute was raised after much delay accordingly the appropriate government refused to refer the dispute for adjudication to CGIT-cum-Labour Court. However, against the non reference writ petition was filed in which following orders were passed;

“Let a mandamus be issued accordingly. In case reference is sought by individual workman once again within a period of 2 months from the date a certified copy

of this order is obtained by the Union the appropriate authority under Section 10 is directed to reconsider the said question once again within a period of 1 months from the date of raising such dispute."

Although the order was passed on 12-3-99 and the copy of order was applied for on 15-3-99 and delivery was taken on 5-4-99 but in disobedience of the aforesaid order of the Hon'ble High Court the concerned workman raised the dispute in the month of Oct. 2000. i.e. after more than 18 months period. Accordingly Central Government has no jurisdiction to extend the period granted by the Hon'ble High Court and entertain the dispute for making reference. Accordingly reference is bad and the reference be answered. Accordingly holding that the reference is in competent and made beyond the period granted by the Hon'ble High Court. Accordingly the appropriate government had no jurisdiction to entertain and refer the dispute beyond the period of 2 months and 1 months as granted by the Hon'ble High Court. The claim has been presented after much delay. Concerned workman has worked for 80 days only and thus the workman is not entitled to any relief nor any such relief is available to him under the provision of I.D. Act more specifically under Section 25 or any of its clauses especially when he had worked for 80 days only. The engagement of the workman for a fixed period specifically upto 14-2-85 as mentioned in the letter lastly issued on 25-1-85 by which his temporary engagement was extended upto 14-2-85. Since the worker did not completed 240 days in a calendar year, consequently he was not entitled to any retrenchment compensation notice or pay in lieu of notice. In fact he is not covered with the definition of workman and also definition of retrenchment or retrenchment compensation. Accordingly the reference of the dispute is illegal, invalid and has been made by the Government in excess of the powers conferred upon it and on that basis the workman cannot be awarded any relief. The workman was engaged on temporarily time gap arrangement against leave vacancy and due to increase of work. The Ratanlal Nagar branch is very small branch and was having a very small staff in the year 1984-85. No process of selection of recruitment as prescribed was adopted in the case of the concerned workman as it was not needed since it was a purely temporary engagement for few days or months. There was no unfair labour practice on the part of the bank management. The management of the bank has denied that any person junior to him had been engaged or appointed illegally. In fact in the year 1987 an opportunity was afforded to all ex temporary and also who were temporarily working for absorption in the bank's permanent service for which recruitment test and interview was arranged. Concerned workman could have applied but despite the publication of aforesaid offer in the Times of India Daily of 7-7-87 he made no application. Thus, he has to thank himself and the persons who appeared in the said test and thereafter in the year 1990 also when another advertisement was made the candidates appeared and those who were selected as a result of test were appointed. Thus, if any person junior to

the workman had appeared either in the aforesaid tests or interview or otherwise in the recruitment process at any time that will not entitle the workman to claim any benefit on the ground that any junior person had been engaged or appointed. The workman was not engaged any permanent post. The appointment in the banks can be only through the Regional Recruitment Board or by any other duly constituted authority but in any case Manager of the branch of bank is not entitled and has no jurisdiction to appoint any person regularly or permanently. The management of the bank has therefore prayed that reference be answered against the worker and in favour of the bank management.

The workman has filed rejoinder wherein it has been submitted that there is no delay in raising the dispute on the part of the workman after the order of the Hon'ble High Court. The plea taken by the management of the bank has been denied by the worker.

The worker has filed following photo copies of the documents:

1. Experience certificate dt. 17-9-87.
2. Appointment letter dt. 27-4-84 for a period upto 26-12-85.
3. Appointment letter dt. 26-12-84 for the period upto 25-1-85.
4. Appointment letter dt. 25-1-85 for the period upto 14-2-85.
5. Application dt. 28-7-87.
6. Employment Registration Card.
7. Under Posting Certificate receipt.

The original of the appointment letters have also been filed with the experience certificate.

The worker has examined himself. The opposite party has examined Sri P.K. Srivastava.

Worker and his representative absented on 10-4-06 i.e. date of evidence accordingly the court ordered the case to proceed ex party against the worker and the representative of the opposite party examined Sri P.K. Srivastava.

None appeared for arguments therefore perused the evidence on record and documents carefully.

In the present case the admitted facts are that the worker was appointed vide appointment order dt. 27-11-84 for a period upto 26-12-84 by the Branch Manager on the consolidated salary of Rs. 430 +D.A. and other allowances on temporarily basis with the stipulation that the bank reserves its right to terminate the services of the worker before date of serving notice. The second appointment letter was given to the worker on 26-12-84 for a period upto 25-1-85 in continuation of appointment letter dt. 27-11-84. The worker was further given appointment letter in continuation to the previous one for the period upto 14-2-85. In the circumstances the appointment for

contracted period upto 14-2-85 and no extension was therefore granted. The question is that whether non extension of period after 14-2-85 will amount to retrenchment.

I have no hesitation to hold that the appointment is for contracted period from 27-11-84 to 14-2-85. The bank had right to terminate the service even before the expiry of the said period.

Retrenchment has been defined in Section 2(oo) which is reproduced as under :

Section 2(oo)

“retrenchment” means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action but does not include :

- (a) voluntary retirement of the workman; or
- (b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf, or
- (bb) termination of service of the workman as a result of non renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein; or
- (c) termination of the service of a workman on the ground of continued ill-health;)

Termination of service of workman as a result of non renewal of contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein is excluded from the definition of retrenchment.

In the circumstances of the case the worker's termination as a result of non renewal of contract w.e.f. 14-2-1985 is not retrenchment according to I.D. Act and since it is not a retrenchment under Section 25F, 25G and 25H of I.D. Act are also not applicable. The simple issue for adjudication is whether the termination is effect from 15-2-85 is legal. I hold that same is legal and the management has not committed any illegality.

It is proved that Branch Manager of the bank was not appointing authority in respect of subordinate staff of the bank instead the appointment authority in respect of peon is Asstt. General Manager. Worker was not regularly appointed employee of the bank. In the circumstances the issue is answered in favour of the management affirmatively. I also come to the conclusion that the worker is not entitled to any relief. Issue is answered accordingly.

LUCKNOW

18-4-2006 SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 24 अप्रैल, 2006

का. आ. 1992.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोंकण रेलवे कोरपो. लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलौर के पंचाट (संदर्भ संख्या 144/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-4-2006 को प्राप्त हुआ था।

[सं. एल-41011/121/1995-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 24th April, 2006

S.O. 1992.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (144/97) the Central Government Industrial Tribunal/Labour Court, Bangalore now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Konkan Railway Corp. Ltd. and their workmen, which was received by the Central Government on 24-4-2006.

[No. L-41011/121/1995-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
BANGALORE

Dated the 6th April, 2006

Present : Shri A.R. Siddiqui, Presiding Officer

C.R. No. 144/97

I Party

Shri Venkatesh,
S/o Narasimha Devadiga,
Somoili Compund,
Shanthinekethan Road,
Vodera Hobli,
Kundapura-576201

II Party

The Dy. Chief Engineer,
Konkan Railway
Corporation Limited,
Kundapura-576201

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 has referred this dispute *vide* Order. No. L-41011/121/95-IR (B-1) dated the 9th July, 1996 for adjudication on the following schedule :

SCHEDULE

“Whether the action of the management of Konkan Railway Corporation Limited in denying employment to Shri Venkatesh is justified? If not, to what relief the workman is entitled?”

2. The case of the first party workmen as made out in the Claim Statement briefly stated is that he joined the

services of the Management (Konkan Railway Corporation Limited) as Khalasi on 8-4-1991 and continued to work under the Dy. Chief Engineer of the Corporation until 7-7-1991 carrying out both the field as well as Clerical work in the office and thereafter he was deputed from 7-7-91 to the office of Special Land Acquisition Office at Kundapur under the Management Corporation and there he worked until 31-3-1994. When the said office at Kundapur was shifted to Udupi, the first party was asked to seek the instructions from the Chief Engineer of the Corporation and to his utter surprise he was refused employment amounting to illegal termination of his services; that initially when he was appointed as Khalasi and was working under the Deputy Chief Engineer was being paid wages of Rs. 30/- per day through vouchers and after he was deputed to work in the Special Land Acquisition Office as regular employee from 8-7-1991 he was being paid monthly consolidated salary being credited to his SB Account P 24/5705 of State Bank of Mysore at Kundapur under the cheques issued from the Chief Engineer's Office; that while working at the Special Land Acquisition Office he was helping the surveyor in measuring the land and he worked as such up till July, 1992. Thereafter he was attending the field work as well as office work till 31-3-1994 i.e. Till the Special Land Acquisition Office was shifted from Kundapur to Udupi; that the action of the management also amounts of discrimination because the other employees by name Chandrakala, Yojesha, Seshaiah, Nagaraj, Sridhar, S. Pankaja who were similarly placed like the first party have been continued in employment and whereas, the first party has been removed from service, which removal order tantamounts to retrenchment as defined under Section 2(oo) of the ID Act and since provision of Section 25F have not been complied with, it is a case of illegal retrenchment so to say illegal termination to be set aside by this tribunal by the order of reinstatement along with consequential benefits.

3. The management in opposing the case of the first party filed its Counter Statement and inter alia contended that the first party was engaged as a casual labourer by it and he worked under the management for 3 months from 7-7-91 to 30-10-91 as Khalasi in a gang. The Management Corporation was engaging men for specific purposes and when the purpose was served their services were discharged. Likewise first party was engaged for certain engineering side work for short period and was discharged. The management contended that after completion of the work, the first party obtained employment in the Office of Special Land Acquisition Officer and has been on the nominal muster roll of SLAO from 1-11-1991 till he was discharged in 1994. Therefore, from 1-11-1991 the first party was on the muster roll of SLAO Office and not on the roll of the management; that as per the Land Acquisition proceedings initiated by the Management Corporation Konkan Railway, Karnataka Government as a special case had given a dispensation that instead of charging 10 per

cent on the total cost of land acquisition only actual cost of establishment and other incidental expenditure would be charged in the case of the Management Corporation. Accordingly salaries of the Govt. employees and the employees engaged by the Govt. Offices were being reimbursed by the Konkan Railway Corporation; that the Special Land Acquisition Officer to expedite the work had engaged field/office assistants as casual workers on his nominal rolls and the muster roll was maintained by the SLAO and attendance were marked by him only and it is he who had control over the method of the daily work of such casual workers engaged by him. The SLAO used to send the muster sheet to the management and the management was crediting the wages of such employees engaged by him for convenience sake and to avoid double transaction. Therefore, the contention of the first party that he was on the roll of the Management Corporation from 1-11-1991 is misleading besides false as the Management Corporation did not employ the first party nor had control over him nor he was on the muster roll of the management. Therefore, the reference is liable to be rejected.

4. In the beginning on 9-8-1999 the management examined one witness as MW1 by name Shashidara said to be the Sr. Technical Assistant working at Udupi, SLAO Office and in his examination chief three documents namely the circular with regard to the payment made to the SLAO Office, a specific agreement entered into between the Government of Karnataka and the Corporation and the proceedings of the Govt. of Karnataka were marked at Ex. M1 to M3. His cross-examination was deferred. From the perusal of the order sheet maintained by this tribunal it can be seen that up till 30-7-2001 MW1 was not produced before this tribunal for the purpose of cross-examination and it is on the above said date the learned counsel for the management submitted that said Shashidara is not in that department and he will examine the other witness in his place. It is thereafter on 12-3-2002 MW2 was examined for the management and documents at Ex. M4 to M7 were marked.

5. On his part the first party filed his affidavit by way of examination chief almost reiterating the averments made by him in his Claim Statement. He got marked 16 documents at Ex. W1 to W16 including the seven documents at Ex. W1 to W7 which had been already marked during the course of cross-examination of MW 2. The statement of MW2 in his examination chief is as under:—

“One Chandrakala was taken as Daily wager and she is regularized after one year as per document at Ex. M4. M5 is the order of regularization. First party was not working with us. He was working under Special Land Acquisition Officer. As per the agreement between Karnataka State Government and Konkan Railway we use to reimburse salary bills and incidental office expenses. We use as to send amount directly. Ex. M6 is the attendance extract. We were sending

amount to bank. Ex. M7 is the pay order. First party never worked with us as our employee. He worked mines from 7-7-91 to 30-10-91 on daily wages. We do not know his whereabouts."

6. In his cross examination it was elicited that from 1-10-91 onwards the first party was asked by the Konkan Railway to work under the Land Acquisition Officer and he was engaged by them as Daily Wager and he was working in the Land Acquisition Office which was established to acquire land for Konkan Railway and that first party was assisting officers in Survey work taken. It was further elicited that attendance registers of the workers is marked in the form of Konkan Railway only. He admitted that Ex. W1 is the permission given by the Chief Engineer for appointment of Khalasi and casuals and they were being appointed by taking the permission like Ex. M1. In his further cross examination it was brought out that land owners were paid compensation by the Konkan Railway only and Land Acquisition Work was taken up and the lands were acquired for Konkan Railway.

7. First party filed his affidavit reiterating the averments in the Claim Statement. In his cross examination of WW1 it was elicited that he first joined the services of the Dy. Chief Engineer's Office, Konkan Railway on 8-4-1991 and worked there till 7-7-1991 and that on asking of the said engineer he started working at Special Land Acquisition Office, Konkan Railway, Kundapur from that day onwards.

8. When the matter was taken up for hearing of the arguments on merits, the learned counsel for the management submitted that the contentions taken by the management in their counter statement be treated as arguments and after hearing the learned counsel for the first party the matter is posted this day for award.

9. Learned counsel for the first party argued that for about three months the first party worked under the Dy. Chief Engineer and it is after the establishment of Land Acquisition Office at Kundapur under the management corporation, he was deputed to the said office and there he worked up till 31-3-1994 and it is after Kundapur office shifted to Udupi, the first party was refused work without any reason, show-cause notice or enquiry or payment of any compensation amount. He submitted that the first party continued to work under the management corporation though he was deputed to work as Field Assistant in carrying out the work under the instructions of SLAO and in fact his name was on the muster roll of the management corporation from beginning to the end and it is the management corporation undisputedly was making payment towards wages and salary to be paid to the first party and to other workers. In support of his argument learned counsel relied upon the documents at Exs. W1, W2, W3, W6, W13 and W15 more specifically apart from the other documents brought on record. Learned counsel submitted that the contention of the management that the

first party was under the control and supervision of the LAO and not under the management corporation is motivated so as to defeat the claim of the first party. He submitted that though first party worked under the LAO it was at the behest of the management corporation and not being appointed and engaged directly by the SLAO and therefore, first party was under the control and supervision of the management corporation and not under the SLAO and in this regard he cited the decision reported in AIR 1957 SC Page 264 and a decision reported in 1995 ILLJ Page 196.

10. The fact that the first party joined the services of the management corporation and on 8-4-1991 he worked under the Dy. Chief Engineer of the Corporation till 7-7-1991 is not disputed by the management corporation. On the other hand the management corporation has taken a self conflicting stand in their letter at Ex. W6 and the letter at Ex. W13 written by it to the Assistant Labour Commissioner (C), Mangalore. In the first letter the management corporation came out with the contention that the first party was on their roll from 8-4-91 to 7-7-1991 and by letter dated 14-11-94, the corporation informed the said authority by saying that the corporation engaged the first party on 8-7-1991 and his services were discharged on 30-10-1991. Even otherwise it is not in dispute that from 1-11-91 onwards the first party was being engaged by the SLAO till the Land Acquisition office at Kundapur came to be abolished on 31-3-1994. As seen above, it is the case of the first party that it was on the asking of the management corporation he started working at the Land Acquisition Office till he was refused work from 31-3-1994 onwards. Now the only question to be considered would be whether the services rendered by the first party in the office of LAO were the services rendered by him under the management corporation or not. From the letter dated 7-3-1991 marked at Ex. W1, it can be very much revealed that the Chief Engineer, Udupi wrote to SLAO, Udupi to recruit two Khalasis to speed up the Land Acquisition work on daily wage basis and to send the names of those candidates by way of muster sheet for marking daily attendance and for the purpose of payment under his counter signature. A muster roll at Ex. W2 accordingly has been maintained and as per the muster sheets supplied with the corporation, the name of the first party appears as one of the workers on the above said muster roll working at Kundapur in the Office of SLAO. This muster roll is under the signature of SLAO, Konkan Railway, Kundapur. These are the muster roll sheets right from the month of July 1991 till the month of April, 1994. That is up till 4-4-1994 throughout showing the name of the first party as one of the workers on the muster roll of the management corporation working at the above said LAO. Therefore, if we read the above said document at Ex. W1 and W2 together it can be safely gathered that it is under the instructions of the Chief Engineer working under the Corporation the workers found on the above said muster roll were being engaged at the SLAO office at Udupi and Kundapur. It is again not in dispute that for the services rendered by the first party and others, muster sheet like Ex. W2 were being forwarded to the office of Chief Engineer from the office of SLAO showing the number of working

days and it is the management corporation which was making payments of wages towards the workers employed in the said Land Acquisition Office. Ex. W15 is another letter written by the Dy. Chief Engineer, Konkan Railway, Kundapur to the Manager, SBM Kundapur on 17-1-1994 making a request to arrange to credit the amount mentioned in the letter to the respective accounts of the workers mentioned therein and one of the 4 workers is the first party. Therefore, it is again not in dispute that payment to the first party towards his salary was being made by the corporation itself. The next important documents for the first party is the certificate at Ex. W3 dated 31-3-94 issued by the SLAO, Konkan Railway, Kundapura, DK wherein it is very much stated that the first party has been working in the office of the SLAO as the Field Assistant from 8th July 1991 till the date the certificate was issued. This certificate is not issued by the Special Land Acquisition Officer as a Government servant but as a Government servant deputed to Konkan Railway Corporation working under his control and supervision and therefore, it cannot be said that by virtue of this certificate the first party cannot claim himself to be the employee of the management corporation. The Land Acquisition Officer was deputed the management corporation to carry out the work of Land Acquisition and it is for the purpose of land acquisition he was engaging the workers at the request and at the instance of the management corporation and those workers were being paid wages by the corporation itself. It is in this view of the matter, the management corporation how cannot be allowed to take a stand that the first was not employed by the corporation and that he was employed the Land Acquisition Officer and he was under his control and supervision. Their Lordship of Supreme Court in the case referred to supra laid down the principle that the "prima facie test for the determination of relationship between the master and servant is the existence of the right in the master to supervise and control the work done by the servant not only in the matter of directing what work the servant is to do but also the manner in which he shall do his work". It is further held that "therefore, one has to consider whether having regard to the nature of the work there was due control and supervision by the employer" In the instant case as could be read from the above said letter at Ex. W-13 addressed to the ALC, Mangalore by the Chief Engineer of the Corporation, it is very much clear that the first Party was engaged on 8-7-1991 on daily wage basis as Field Assistant to assist in Land Acquisition works which Land Acquisition work was being carried out by the Land Acquisition Officer for the benefit of the management Corporation. Therefore, when the first party was engaged by the Corporation on 8-7-1991 itself as Field Assistant for Land Acquisition Works, then, the corporation cannot turn around to contend that the Land Acquisition works came to an end as on 30-1-1991 and thereafter the first party joined the services at Land Acquisition Office, Kundapura w.e.f. 1-11-1991. From the reading of the above said letter, the only reasonable inference to be drawn is that to begin itself the first party was engaged as Field Assistant for the purpose of Acquisition work and that acquisition work being taken up at Kundapur office, he started working there from 1-11-1991 onwards under the

instructions and direction of the management corporation itself. His Lordship of our Hon'ble High Court in the case referred to supra in this context at para 7 of the decision laid down the principle that "the tests to be applied for determining existence of master and servant relationship are—who pays? For whose benefits the workmen work? Under whose supervision?" In the instant case undisputedly payment of salary was made to the first party by the Corporation and it is for the benefit of the Corporation the work was being carried out at the office of the Land Acquisition at Kundapura under the control and supervision of the Acquisition Officer in turn under the control and supervision of the management Corporation, itself. The Land Acquisition Officer was just a Deputy rather a representative of the Government to carry out the work of land acquisition for the benefit of the corporation. Therefore, the workers who were helping the Land Acquisition Officer for the completion of the project cannot be said to be working under the direct control and supervision of Land Acquisition Officer but will have to be taken as the employees of the management corporation itself for whose benefit the project was being carried out and by whom the wages were being paid to the workers working under the said project. Therefore, the contention of the management that there was no relationship of master and servant between the Corporation and the first party shall have to be discarded as untenable deserving no merits for consideration.

11. Now, if we proceed on the assumption that the first party was the employee under the corporation and worked in between the 1991-94 then there cannot be any difficulty in coming to the conclusion that he worked under the corporation continuously for a period of 240 days and more in each calendar year which fact is also borne out from the above said muster sheets marked at Ex. W-2 before this Tribunal. If that were to be the case, a question arises as to whether the services of the first party could have been brought to an end by way of refusal of work to him without the compliance section 25F of ID. There is no dispute of the fact that there was no enquiry held against the first party nor any compensation was paid to him before his services were culminated. In the result the action of the management in refusing employment to the first party certainly amounts to retrenchment as provided under Section 2(oo) of the ID Act, and since his services have been terminated without the compliance of Section 25 F of the ID Act, the action of the management amounts to illegal retrenchment, so to say illegal termination liable to be quashed at the hands of this Tribunal.

12. It is not in dispute that the Land Acquisition Office, Kundapura has been abolished long back in the year 1994 itself and it is also not the case of the first party that the Konkan Railway Corporation is still existing after the project taken up by the said Corporation has come to an end by way of completion of the work. Therefore, it is under these circumstances there cannot be any chance for the reinstatement of the first party into service of the management corporation. Now the only question to be considered would be as to what back wages have to be paid to him. Keeping in view the fact that he was being

paid daily wages at the rate of Rs. 30/- on the date he was refused work, the period elapsed between the date of refusal till to date and so also having regard to the amount of compensation to be paid to him in the light of the compliance of Section 25F of the ID Act, it appears to me that ends of justice will be met if the management is directed to pay a sum of Rs. One lakh to the first party by way of compensation towards his full and final settlement of the claim against the corporation without there being any other benefit to be given to him towards his services. Hence the following award :

AWARD

The Management is directed to pay a sum of Rs. One Lakh to the first party towards his full and final settlement of the claim. The amounts shall be paid within three months from the date of publication of this award and in case of default the amounts shall carry an interest at the rate of 10 per cent per annum till the realisation of the amount. No. costs.

(Dictated to PA transcribed by her, corrected and signed by me on 6th April, 2006)

A.R. SIDDIQUI, Presiding Officer.

नई दिल्ली, 25 अप्रैल, 2006

का. आ. 1993.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारा/श्रम न्यायालय, असनसोल के पंचाट (संदर्भ संख्या 26/1996) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-4-2006 को प्राप्त हुआ था।

[सं. एल-22012/463/1995-आई आर (सी-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 25th April, 2006

S.O. 1993.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award Ref. No. (26/1996) of the Central Government Industrial Tribunal/Labour Court, Asansol as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of ECL and their workman, which was received by the Central Government on 24-4-2006.

[No. L-22012/463/1995-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT : Shri Md. Sarfaraz Khan
Presiding Officer

REFERENCE NO. 26 OF 1996

PARTIES : Agent, Chora Colliery,
P.O. Bahula, Distt. Burdwan (WB)

Vs.

Joint General Secretary,
Colliery Mazdoor Union,
P.O. Ukhra, Distt. Burdwan.

REPRESENTATIVES

For the Management : Shri P. K. Das, Advocate

For the workman (Union) : None

Industry : COAL STATE : West Bengal

Dated 20-12-2005

AWARD

In exercise of powers conferred by clause (d) of Sub-Section (1) and Sub-Section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/463/95-IR (C-II) dated 22-7-1996 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the dismissal of Shri Rup Narayan Singh, Security Havildar and Shibnarayan Singh, Security Guard 7 & 9 Pits, Chora Colliery under Kenda Area of M/s. ECL, PO : Haripur, Distt. Burdwan w.e.f. 3-8-93 by the G. M., Kenda Area is justified ? If not, what relief these workmen are entitled to ?”

After having received the order No. L-22012/463/95-IR (C-II) dated 22-7-1996 of the above referred reference from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 26 of 1996 was registered on 30-7-1996 and an order was passed to issue notices to the respective parties through the registered post with a direction to appear in the Court on 10-9-1996 and file their written statements along with the documents in support of their claims. In compliance of the said order notices were issued and both the parties having received the notices appeared in the court and filed their written statements in support of their case.

On perusal of the record it transpires that the union is reluctant in appearance and taking proper step in the case. It is further clear from the record that the last adjournment was given to the union for coming ready for final hearing of the case but on 19-10-2005 the date fixed for hearing the union remained absent as usual. On the next fixed date 20-12-2005 no body appeared on behalf of the union for hearing of the case. The lawyer Sri M. Mukerjee, Advocate also expressed that he had got no instruction from the side of the workman or union concerned. It is apparent that the union has lost its interest and does not want to pursue the case. As such in the present circumstance it is not proper and just to keep the record pending any more as it has been a very old pending reference. Accordingly it is hereby.

ORDERED

that let a “NO DISPUTE AWARD” be and the same is passed. Send the copies of the Award to the Ministry of Labour, Government of India, New Delhi for information and needful.

MD.SARFARAZ KHAN, Presiding Officer

नई दिल्ली, 25 अप्रैल, 2006

का. आ. 1994.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उडीसा श्रीप्य सीड प्रोडक्शन सप्लाई एण्ड रिसर्च के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 53/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-4-2006 को प्राप्त हुआ था।

[सं. एल-42012/319/2003-आई आर (सी-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 25th April, 2006

S.O. 1994.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 53/2004) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Orissa Shrimp Seed Production Supply and Research and their workman, received by the Central Government on 25-4-2006.

[No. L-42012/319/2003-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

PRESENT : Shri N. K. R. Mohapatra, Presiding Officer, C. G. I. T. cum-Labour Court, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 53/2004

Date of Passing Award—23rd Mar., 2006

Between :

The Management of the Project Director, Orissa Shrimp Seed Production Supply and Research Centre, Gopalpur-on-Sea, Dist. Ganjam, Orissa
.... 1st Party-Management
(And)

Their Workman, represented through The General Secretary, Orissa Shrimp Seed Production Supply and Research Centre, C/o. OSSPARC, Gopalpur-on-Sea, Dist. Ganjam, Orissa.

2nd Party-Union

Appearances :

None	... For the 1st Party Management.
Shri Biranchi Khilar General Secretary	... For the 2nd Party-Union

AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-29011/18/2004-IR(M), dated 18-05-2004 :

“Whether the action of the Management of Orissa Shrimp Seed Production Supply and Research Centre (OSSPARC), Bhubaneswar by not giving confirmation to Nos. of casual/temporary workers those who have completed 8/9 years of continuous service to deprive their legitimate benefits is legal and justified? If not, to what relief the workmen are entitled?”

2. Pursuant to the above reference the 2nd Party-Union filed Statement of Claim for confirmation of the services of 11 casual and temporary workers. The Management also submitted his written statement contending that due to administrative difficulties the confirmation letter could not be issued to these 11 workmen earlier but however in his counter he contended to have already issued confirmation letter after the present reference to 11 of the workmen named by the Union. Today also a joint petition is filed by both the parties confirmed that the following noted casual/temporary employees have been issued with confirmation letter by the Management and as such there subsists no dispute in the present.

Sl. No.	Name of the Employees
1	2
1.	Shri Pravakar Mohanty
2.	Shri T. Laxmi Narayan
3.	Shri P. K. Sahu
4.	Shri R. Krishna Rao
5.	Shri Kailash Ch. Patro
6.	Shri Kalu Ch. Behera
7.	Shri A. Nageswar Rao
8.	Shri B. Uma Sankar Reddy
9.	Shri Aparti Martha
10.	Shri Narendra Sahu
11.	Shri Purna Ch. Patro

3. According this reference is answered

N. K. R. MOHAPATRA, Presiding Officer

नई दिल्ली, 25 अप्रैल, 2006

का. आ. 1995.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधतंत्र के संबंद्ह नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, /श्रम न्यायालय, बैंगलोर के पंचाट (संदर्भ संख्या 2/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-04-2006 को प्राप्त हुआ था।

[सं. एल-12012/240/94-आई. आर.(बी-II)]

सौ. गंगाधरण, अवर सचिव

New Delhi, the 25th April, 2006

S.O. 1995.—In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.2/97) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 24-4-2006

[No. L-12012/240/94-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BANGALORE

Dated: 3rd April, 2006

PRESENT

**Shri A. R. SIDDIQUI
PRESIDING OFFICER**

C.R. No. 2/97

I PARTY

Shri B. Gunashekhar Rai,
784 A Indira Nagar,
II Stage,
Bangalore-560038

II PARTY

The Deputy General
Manager
Syndicate Bank,
Zonal Office,
Gandhinagar,
Bangalore-560009

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order. No. L-12012/240/94/IR (B-II) dated 2nd December, 1994 for adjudication on the following schedule:

SCHEDULE

“Whether the action of the management of Syndicate Bank, Bangalore in dismissing Shri B.

Gunasekhar Rai, Clerk from service w.e.f. 30-7-1992 is legal and justified? If not, what relief is the said workman entitled to?”

2. A charge sheet dated 12-10-1990 was issued against the first party in the following terms:—

Charge Sheet

It is reported against you as under :

That you have been working as Clerk at our HAL branch, Bangalore and that on 11-10-1990 at about 15.45 hours Shri B.S. Venkatesh Murthy, Asst. Manager asked you to write the name of the branch and date in the Clearing Sub schedule. Thereafter you told him that the Attender has to affix the branch rubber stamp on the Clearing sub schedule, for which Shri Venkatesh Murthy, Asst. Manager informed you that you yourself should tell the Attender to do it. Thereafter, you immediately started shouting at Shri Venkatesh Murthy in the following manner in Kannada:—

Other Than Eng.

When Shri Venkatesh Murthy, Asst. Manager pointed out to you that you are not writing the date frequently, you continued to talk in high pitch in Kannada in the following manner:—

Other Than Eng.

You have also told him to go and complain to the Manager and said—

Other Than Eng.

The above acts on your part is subversive to office discipline and highly objectionable and amounts to misconduct under the provisions of the Bipartite Settlement. You are, therefore, charged with the commission of Gross misconduct of ‘Indecent behaviour on the premises of the Bank’ vide Cl. 19.5(c) of the Bipartite Settlement.

At about 15.55 hours, Shri Venkatesh Murthy informed you that he would be going to the notice of the Manager and further informed you that you also go the Manager’s cabin, you pounced from behind and caught hold of his neck, kicked and started beating him, resulting in bleeding injury just above his right eye. While the staff members tried to separate you, you shouted that :

Other Than Eng.

The above acts on your part are highly objectionable and amounts to misconduct under the provisions of Bipartite Settlement. Therefore, you are charged with the

commission of gross misconduct of "Riotous behaviour on the premises of the bank", vide Cl. 19.5 (c) of Bipartite Settlement.

At about 16.45 hours you threatened him over phone in Kannada as follows :

Other Than Eng.

The above act on your part is highly objectionable and amounts of misconduct under the provisions of Bipartite Settlement. Therefore, you are charged with the commission of gross misconduct of doing acts prejudicial to the interest of the Bank vide Cl. 19.5(j) of Bipartite Settlement.

Pending finalisation of the enquiry into the above serious allegations, you are hereby suspended from the services of the bank, with immediate effect, until further orders, vide Cl.19.12(b) of the Bipartite Settlement. During the period of suspension, you will be paid subsistence allowance at the following scales as per Clause 557 of the Sastry Award/Bipartite Settlement:—

(1) For the first three months, one third of the pay and allowances which you would have got, but for the suspension;

(2) Thereafter one half of the pay and allowances;

(3) After one year, full pay and allowances if the enquiry is not delayed for reasons attributable to you to any of your representatives.

You are required to furnish us your postal address forthwith for the purpose of future communication with you. You should not enter the branch premises during the period of your suspension, except for the purpose of operating your own account. Further, for the purpose, you should obtain specific permission of the branch manager by sending him a note with the attender at the branch. Such banking operations will be allowed only in the branch manager's cabin. If it is found that you are misusing the above facility in any way, your account is liable to be closed and the balance sent to you by a pay order.

Besides, you are required to submit your explanations within 7 days from the date of receipt of this charge sheet."

3. The first party said to have replied the charge sheet denying the charges of misconduct levelled against him and disciplinary authority not being satisfied with the explanation submitted by the first party, DE was ordered against him and based on the oral and documentary evidence produced by the enquiry officer he submitted his findings holding the first party guilty of the charges. Thereupon he was supplied with the report of the enquiry officer and on his request the disciplinary

authority ordered denova enquiry proceedings giving one more opportunity to the first party to participate in the enquiry proceedings. It is said that when enquiry was reopened and after due notice to the first party, enquiry was held on 11-12-1991 and the management witnesses were kept present for cross examination on behalf of the first party, he did not turn up to avail the opportunity of cross examining the management witnesses and therefore, the enquiry officer after having concluded the enquiry once again submitted his report to the disciplinary authority stating that the findings of the enquiry submitted by him already hold good. Once again the first party was given copy of the enquiry report calling upon him to make his submission on the report and after holding the personal hearing, the Disciplinary Authority proposed the punishment of dismissal. He was once again given opportunity of personal hearing and thereafter the disciplinary authority confirmed the punishment proposed to him vide its order dated 30-7-1992. It is aggrieved by this order of dismissal, the first party raised the industrial dispute resulting into the reference on hand.

4. The first party filed his claim statement spreading over 15 pages and challenged the enquiry proceedings as well as the dismissal order passed against him. The averments at Paras 3 to 11 are to the effect that the first party was not given proper and reasonable opportunity to attend and participate in the proceedings and that enquiry conducted against him was expert in violation of principles of natural justice. At Para 12, the first party challenged the enquiry findings as perverse on the ground that based on material brought on record no reasonable person could have come to the conclusion as arrived at by the enquiry officer. Therefore, the enquiry reports should not have been accepted by the disciplinary authority and dismissal order should not have been passed on the basis of such a report. At para13, he contended that the charges levelled against him were concocted and were made at the instance of Shri Venkatesh Murthy, the then Assistant Manager, against whom the first party had made a complaint for certain irregularities, who developed ill will towards the first party on account of the said complaint and the legitimate union activities of the first party. Therefore, the charge sheet issued against him was motivated and without justifiable grounds. At para 14 he submitted that said Venkatesh Murthy was involved in gross misconduct but has been left scot-free with minor punishment of stoppage of one annual increment and whereas, the first party has been singled out for severe punishment of dismissal. At Para16, he contended that the charges of misconduct even if were taken to be proved, punishment of dismissal was excessive and arbitrary in nature and therefore, he requested this tribunal to exercise its powers under Section 11A of the ID Act and pass and award setting aside the dismissal order with all consequential benefits.

5. The management by its Counter statement running over 22 pages denied almost all the averments made in the Claim Statement of the first party and asserted that a fair and reasonable opportunity was given to the first party to attend and participate in the enquiry proceedings taking the assistance of DR but for one reason or the other the first party went on taking adjournment and ultimately when two management witnesses were examined in his presence he walked out of the enquiry chambers with a promise to come back but never turned back. Therefore, in his absence statement of one more witness was recorded by the enquiry officer and proceedings of enquiry were taken closed. The management further contended that when the first party was made available with the enquiry report holding him guilty of the charges, he made a request to the disciplinary authority to conduct enquiry proceedings ~~denovo~~ and that request being accepted, fresh opportunity was given to the first party holding the enquiry on 11-12-1991 keeping the management witnesses present. However, the first party for the reasons best known to him did not attend the enquiry proceedings and the enquiry officer had no option but to conclude the proceedings and then reported back to the disciplinary authority saying that the enquiry report already submitted by him holding the workman guilty of the charges holds good. Thereupon opportunity of personal hearing were given and punishment of dismissal was passed. With regard to the findings of the enquiry, the management contended that they were very much based on legal and sufficient evidence namely, the oral testimony, MW1 to MW3 and the documents at Ex. M1 to M3 and that the findings were very much supported by valid and cogent reasonings and in the result it cannot be said that they suffered from perversity.

6. Keeping in view the respective contentions of the parties with regard to the validity and fairness or otherwise of the enquiry proceedings, my learned Predecessor took up the said question as a Preliminary Issue giving opportunity to both the parties to lead evidence. It can be seen from records that on the above said issue the management examined one witness as MW1 and got marked 7 documents including the proceedings of enquiry and the enquiry report. No oral or documentary evidence was adduced on behalf of the first party and after hearing the learned counsels for the respective parties, my learned Predecessor by his order dated 26-6-2001 recorded a finding to the effect that enquiry held against the first party is fair and proper. Thereupon, the matter was taken up for hearing on merits and after hearing the learned counsel for the management, my learned Predecessor passed an award dated 4-9-2001 rejecting the reference. It is aggrieved by this award the first party approached the Hon'ble High Court in Writ Petition No. 46247/02 and his Lordship of Hon'ble High Court vide order dated 6th June 2005 remitted the matter back to this tribunal with the following observations:—

“A reading of the impugned award discloses that the labour court has proceeded on the basis that

when once the domestic enquiry is held to be fair and proper it is for the workman to establish that the findings of the enquiry officer is perverse and the report is incorrect. Therefore, it has proceeded to hold that the decision of the management holding misconduct proved and imposing punishment do not call for interference and accordingly it has rejected the award.”

7. After the remand, both the parties were made appearance through counsels and after having heard them on merits of the case, the matter is posted this day for award. Learned counsel for the first party vehemently argued that charges of misconduct levelled against the first party were fabricated as the said Venkatesh Murthy who made complaint against him was illdisposed against the first party and the management was also not happy with the union activities of the first party. He further contended that the language incorporated in the charge sheet terming it to be indecent in nature was not unparliamentary so as to say that the first party committed misconduct as defined under Section 19.5 (j) of the Bipartite Settlement. He also contended that the charges levelled against the first party also were not substantiated as the medical certificate produced by the management at Ex. MEX-1 has not been proved by examination of the Doctor who issued the same. Therefore, learned counsel submitted that there was no legal and sufficient evidence on record and in the result findings of the enquiry officer was perverse and arbitrary. He also submitted that even otherwise the punishment of dismissal was too severe and therefore, this court can exercise the discretionary powers under Section 11A of the ID Act.

8. Whereas, the learned counsel for the management with equal vehemence argued that the evidence brought on record before the enquiry officer in the oral testimony of MW1 to MW3 and documents at Ex. MEX-1 to 3 were more than legal and sufficient, particularly, in the absence of any cross examination to those witnesses on behalf of the first party challenging the veracity of the statements of those witnesses much less the genuineness of the documentary evidence produced by the management. Learned Counsel, on the point of punishment submitted that the misconduct committed by the first party was very grave in nature as he misbehaved with his superior in the premises of the office and during the course of office hours, that too, in the presence of all other staff members and therefore, to maintain the discipline amongst the staff members keeping in view the banking business, the only punishment to be awarded against the first party was the punishment of dismissal as otherwise it would have given a wrong signal and lay a bad precedent to the other members of the staff. Learned Counsel to justify the action of the management cited the following seven decisions:

1. 1998 ILLJ 1016

2. 2002 FJR 207 (Madras)

3. AIR 2000 SC 1163

- 4. 1998 (2) SCC 400
- 5. 1962 I LLJ SC 657 (5 judges)
- 6. 1998 Lab IC 2036 (Pat)
- 7. 1987 FJR 143 (Kar)

9. After having gone through the records, I find substance in the arguments for the management. As noted above, my learned Predecessor has already given his finding on the question of validity of enquiry proceedings holding that the enquiry conducted against the first party was fair and proper and now therefore, in the light of the said finding and in the light of the observations of the Hon'ble High Court already brought on record, the only and primary question to be considered would be as to whether there was sufficient material on record to establish the misconduct alleged against the first party and if the answer goes in the 'affirmative'. The next question to be considered would be whether the punishment of dismissal was proportionate to the gravity of the charges proved against the first party. In order to appreciate the respective arguments of the parties, it is worthwhile to bring on record the very reasonings of the enquiry officer found on page 6 to 8 of the enquiry report at Ex. M5 running as under:—

Analysis of Evidence

The Statement of MW1 shows that on 11-10-90, at about 3.45PM there was an argument between Shri Venkatesh Murthy and Shri Rai regarding the writing the name of the branch and date on the clearing sub schedule. This was confirmed by MW2 as well as by MW3. As Shri Venkatesh Murthy told Shri Rai to tell the attender to do it, Shri Rai started shouting at Venkatesh Murthy as follows:—

**"NEEVU YAKKE IRODU ADU NIMMA KELASA
ONDU DIVASA DATE HAKADEINDADIKE NEEVU
YENUHELODHU"**

MW1 statement also showed that when he pointed to Shri Rai that he was not writing the date frequently, Shri Rai talked in high pitch as above.

The statement of MW1 was also confirmed by MW2 that he should in high pitch of voice, as stated in analysis of evidence. MW1 also informed that Shri Rai told Venkatesh Murthy to go and complain to the Manager and also said in Kannada as follows: "NIMU GANDU MAGA AGIDIRE BA" MW2 also confirmed about the argument between Shri Venkatesh Murthy and Shri Rai.

MW3 also said in his statement that he heard Shri Rai talking in his high pitch of voice to Shri Venkatesh Murthy and on seeing the same, he went to the spot and asked Shri Narayanaswamy, Attender to affix the branch seal on the clearing sub schedule, as that was the argument. The Statement of MW1, 2 & 3 confirm that Shri Rai behaved in a highly objectionable manner and the conduct of Shri Rai is subversive of office discipline.

It is evident from the deposition of MW1 that when he went towards the Manager's cabin at around 4 PM Shri Rai came on the back and caught hold of his neck, kicked and started beating him with his right hand. Shri Venkatesh Murthy shouted for help and all the staff members including the Manager had gathered and separated him and the same caused a bleeding injury just above his right eye and blood stains were noticed in his shirt. After the staff members separated him. MW1 informed that Shri Rai shouted in Kannada as follows:—

**"NIMMA AMMANA KEYA NANNA KELSA
HODARE SHATA HOYITU"**

This statement of MW1 was confirmed by MW2 and MW3. MW1, 2&3 confirmed that Shri Venkatesh Murthy was taken to hospital and treatment was given vide MEX.1, which show that he was treated at Magdum Hospital, Bangalore.

MW1 informed that Shri Rai threatened him over phone at about 16.45 hours as follows:—

**"NINNA RAKTHA KUDIYADE BIDODILLA,
NINDENU STEEL BODY NA NENAPPU ITTUKO"**

This was confirmed by MW3 who received the phone at first and handed over the same to Shri Murthy on that day. The branch representation also confirms about the incident that happened on the particular day.

It is evident from the statement of MW1, 2&3 that Shri B.G. Rai abused and shouted at Shri Venkatesh Murthy as mentioned above and the same is proved beyond any doubt. Such acts on the part of Shri Rai inside the office premises during the office hours is subversive of office discipline and therefore, I hold Shri B.G. Rai guilty of the gross misconducts of indecent behaviour on the premises of the bank, vide Cl. 19.5C of the Bipartite Settlement.

It is also evident from the statements of MW1,2&3 that Shri Venkatesh Murthy was assaulted, kicked, beaten by Shri Rai. The Doctor certificate, MEX-1 confirms the treatment taken by Shri Venkatesh Murthy.

All these prove that Shri Rai behaved in a riotous manner inside the office premises of the bank and therefore I hold Shri Rai guilty of the charge that he committed gross misconduct of riotous behaviour on the premises of the Bank, vide Clause 19.5(C) of the Bipartite Settlement.

It is also evident from the statements of MW1&3 that Shri Rai threatened Shri Venkatesh Murthy at about 16.45 hours over phone which is highly objectionable and therefore, I do not hesitate in holding Shri Rai guilty of the charge "doing acts prejudicial to the interests of the Bank" vide Clause 19.5(j) of the Bipartite Settlement.

The oral and documentary evidence as detailed above clearly proves all the charges leveled against Shri B. Gunashekhar Rai, there hold guilty of all the charges as mentioned above.

10. Therefore, as could be read from the evidence, the oral testimony of MW1 to MW3 and the documents at MEX 1 to 3 brought on record, the reasonings given by the enquiry officer, in my opinion, appear to be very much valid and cogent. In the instant case as noted above, said Venkatesh Murthy, the victim in this case and who had given the complaint against the first party at Ex. M2 has been examined as MW 1 and this witness in very clear words and in detail has spoken to almost all the contents of the complaint at Ex. M 2. From the reading of his statement, it becomes crystal clear that as a result of verbal exchange between him and the first party regarding the writing of the name of the branch and the date on the clearing sub-schedule, the first party used indecent language against him as brought out in his complaint as well as in his statement before the enquiry officer. He has also spoken to the fact that the first party shouted against him in high pitch voice and once again used indecent language mentioned in the complaint and in his statement before the enquiry officer. The first party used such abusive and indecent language against MW1 not on one or two occasions but thrice as could be seen from the contents of the complaint and the statement during course of enquiry. MW1 has also spoken to the fact that when he wanted to complain against the first party and was proceeding towards the Manager's cabin on the day of the incident at 4 PM, the first party caught hold of him from the back (neck) kicked and started beating him with his right hand. He also stated that he suffered a bleeding injury above his right eye and blood has fallen on his shirt. He was separated from the first party and was taken to hospital to seek the medical treatment and then he identified the certificate issued by the doctor treating him for the said injury marked at Ex. MEX-1 before the enquiry officer. This statement of MW1 could not have been accepted without a pinch of salt rather could have been discarded as self-serving had there not been corroborative evidence brought on record. In the instant case, the other two officials of the bank namely, MW2 and 3 in no uncertain words and without least hesitation have come forward and deposed before the enquiry officer supporting the statement of MW1 in respect of abusive and indecent language used by the first party against him and also with regard to the incident of assault. The aforesaid oral testimony of MW1 to MW3 as noted above, has gone absolutely unchallenged and uncontroverted on the part of the first party as he failed to cross-examine them when he was given opportunity by the Disciplinary authority for the second time enquiry being held by the enquiry officer on 11-12-1991. Therefore, there were absolutely no reasons for the enquiry officer and at the same time there are no reasons for this tribunal also not to act upon the aforesaid oral testimony of MW1 to MW3 in speaking to the charges of abusive and indecent language used by the first party against the said Venkatesh Murthy (MW1) and the fact that the first party assaulted him. The fact that MW1 suffered bleeding injury has been very much proved by the management producing the certificate at Ex. MEX-1. Its perusal would reveal that on

11-10-90 itself MW1 was examined by the doctor and he was treated for a contusion and abrasion over the right eye brow said to have been caused by an assault. The fact that immediately after the incident MW1 was rushed to the hospital, has been very much spoken to MW1 himself and the said two witnesses who were the eye witnesses to the incident. Ex. M2 is to establish the fact that on 11-10-90 itself MW1 registered his complaint of the incident with, the then, Manager and Ex. M3 is the further evidence to show that the members of the staff were present at the time of incident and with reference to the same they have also given report of the incident to the Manager on the very same day. There is absolutely no reason for this tribunal not to go by the above said documentary evidence as well as the oral testimony of MW1 to MW3 particularly for the reason that MW2 and MW3 are the officers of the bank working along with MW1 and the first party when incident took place. It just cannot be said that MW2 & MW3 have got any personal grudge or any motive to give false evidence against the first party when they are well aware that their evidence would result into the loss of service of the first party. Therefore, even if we ignore the statement of MW1 as motivated, it is very difficult to discard the evidence of MW2 and MW3 who supported the case of the MW1 whole heartedly without any hesitation in their mind. In the Result this court is left with no alternative but to conclude that there was legal and sufficient evidence in the testimony of MW1 to MW3 and the documentary evidence at MEX-1 to MEX-3 to establish the charges of misconduct leveled against the first party. Therefore, the findings of the enquiry holding the first party guilty of the charges, by no stretch of imagination can be said to be perverse and arbitrary.

11. Now coming to the question of quantum of punishment, keeping in view the nature of the misconduct committed by the first party, it cannot be said that he deserved any punishment other than dismissal. Charges of using abusive and indecent language and assaulting the superior officer and also giving him threats of taking his life are very much grave and serious in nature reflecting upon the very discipline to be maintained in the banking institutions. In this case as noted above, the first party has committed misconduct at the place of working itself that too in the course of office hours and in the presence of all other staff members. If such an incident goes unpunished, it will certainly spoil the entire atmosphere in the banking institution like the management bank. It is keeping in view the grave and serious nature of the misconduct his Lordship of Hon'ble High Court in a case referred to *supra* held that punishment of dismissal was rightly upheld by the labour court. Similar was the view taken by the Madras High Court case referred to *supra* in a similar situation. Their Lordship of Supreme Court in a case cited above, declined to interfere with the punishment of dismissal involving similar charges of misconduct committed by the delinquent concerned. Therefore, in the light of the above, I am of the considered

view that keeping in view the grave and serious misconduct committed by the first party, he deserves no lenient view and in the result it is not a fit case so as to exercise the discretionary powers of this tribunal under Section 11A of the ID Act. Hence the following Award:

AWARD

The reference stands dismissed. No costs.

(Dictated to PA transcribed by her corrected and signed by me on 3rd April, 2006).

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 25 अप्रैल, 2006

का. आ. 1996.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केनरा बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय बैंगलोर के पंचाट (संदर्भ संख्या 231/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-4-2006 को प्राप्त हुआ था।

[सं. एल-12011/57/96-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 25th April, 2006

S.O. 1996.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 231/97 of the Central Govt. Indus. Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the industrial dispute between the management of Canara Bank and their workmen, received by the Central Government on 24-04-2006.

[No. L-12011/57/96-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BANGALORE

Dated : 5th April, 2006

PRESENT : Shir A.R. Siddiqui,
Presiding Officer.

C.R. No. 231/97

I Party

The Asstt. General Secretary,
Canara Bank Staff Union,
Santhrumathi, Near Adarsha High
School, Karwar, P.O. Padil,
Mangalore.

II Party

The Dy. General Manager,
Canara Bank,
Circle Office, Light House,
Hill Road,
Mangalore.

AWARD

The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute *vide* Order. No. L-12011/57/96/IR(B-II) Dated 19th May, 1997 for adjudication on the following schedule:

SCHEDULE

“Whether the action of the Management of Canara Bank in not absorbing Shri B.S Nagappa and others from 28-9-1995 is legal and justified? If not, to what relief the said workmen are entitled?”

2. The case of the first party union representing the eleven workmen whose names have been mentioned in the list attached to the reference made out in the Claim Statement relevant for the purpose is that these workmen have been in the continuous service of the management since from the year 1984 and have completed 240 days of service in each calendar year by maintaining good service records but they have not been absorbed as a regular sub staff though they were entitled for regularization as on 28-9-1995; that the management has been maintaining a panel of daily wage workers in each district and the senior most daily wage worker will get the appointment in the concerned district. The management has absorbed 40 daily wage workers from all the district of Mangalore circle w.e.f. 28-9-1995. Whereas, the management has overlooked the seniority of the first party workmen. The first party workmen raised the dispute before the ALC (C), Mangalore and in the meanwhile the first party workmen at SI. No. 1 & 2 have been absorbed on regular basis on 11-12-1995 and at the request of the management ALC closed the files. On 4-1-1996 first party union gave a counter statement to ALC requesting the management to give appointments to the remaining concerned workmen also; that when the matter was still pending with the ALC, Mangalore a rival union of the bank raised the same dispute and a settlement has been signed on 15-2-1996 wherein the management agreed to absorb all the remaining daily wage workers as sub-staff w.e.f. 23-2-1996. The dispute raised by the first party union resulted in the failure report submitted to the Government and thereafter the present reference has been made to this tribunal. Therefore, the first party requested this tribunal to pass an award holding that the management was not justified in not absorbing the first party workmen w.e.f. 28-9-1995 and that they are entitled to be absorbed with effect from the said date with consequential benefits from the above said date.

3. The management by its Counter Statement however, contended that merely on the ground that a particular daily wager was engaged for some time, he cannot claim regularization as a matter of right. Such daily wagers will be considered for absorption to a permanent post taking into account their seniority in the panel for the district, subject to availability of vacancy, sanction of manpower budget and subject to fulfilling other conditions as prescribed by the bank observing the reservation norms. The management contended that while absorbing the eligible daily wagers, their State-wise seniority will be considered and this has no direct bearing on the District-wise, category wise seniority list maintained by the management; that in the State of Karnataka during the year 1995-96, 100 vacancies under sub-staff cadre were filled up by the management duly complying with the above reservation policy and daily wagers at Sr. No. 1 & 2 in this case were absorbed during this period. The management contended that Canara Bank Employees union has raised the industrial dispute on 18-12-1995 before the ALC(C) Mangalore putting forth certain demands and the matter was settled before the Conciliation Officer on 2-2-1996 regarding absorption of two daily wagers from Dharwar District and seven daily wagers from Shimoga district who happened to be the workmen at Sl. No. 3 to 11. Consequently, the management bank has requested the Conciliation Officer to close the matter vide letter dated 13-2-1996. Whereas, the first party raised similar dispute resulting into the present reference. Therefore, the management contended that following the reservation policy and taking into consideration the seniority list maintained by the management State-wise, the first party workmen have been absorbed in service accordingly and, therefore, the present reference while seeking their absorption w.e.f. 28-9-1995 is not maintainable.

4. During the course of trial, on behalf of the first party one Mr. Madhava, said to be Asstt. General Secretary representing the union filed his affidavit evidence by way of examination chief repeating almost the very same contentions taken by the first party in the Claim Statement and, therefore, need not be repeated.

5. In his cross examination it was elicited that there is a reservation policy in the management Recruitment procedure as per Ex.M1 and denied the suggestion that first party workmen are not eligible for absorption as claimed keeping in view the State-wise reservation policy adopted by the management. In his further cross examination the witness admitted that first party union is not a recognized union by the management and the Settlement at Ex.M4 is in between the recognized union and the management. He also admitted that as per the settlement the first party workmen at Sl.No. 3 to 11 have been absorbed w.e.f. 23-2-1996 and denied the suggestion that the first party union cannot challenge Ex.M4 and the

absorption of those workmen on any ground nor cannot challenge reservation policy of the management. He admitted that workmen at Sl.No. 1 & 2 have been absorbed into service w.e.f. 11-12-1995.

6. The management witness, MW1 in his examination chief has stated that the bank will be engaging the persons in the panel on daily wages whenever there is an increase in workload or in the absence of regular sub-staff from duty. He stated that on the basis of the Seniority, Merits and reservation the candidates of approved panel will be appointed as sub-staff and District-wise seniority will be considered subject to the reservation policy of the Central Government. He then referred to a notification issued by the Govt. of India in respect of reservation policy of OBC category as per Ex.M1 and the guidelines issued to the management at Ex.M2. He stated that according to Ex.M1 & M2 Roster System is being followed by the management and during the period 1995-96 while selecting sub-staff they have followed the above Roster System and accordingly, they have selected the candidates as per list at Ex.M3(a) (Covering letter is at Ex.M3). He further stated that as on September 1995 the first party workmen were not eligible in view of the Reservation Policy. He then stated that the services of the first party workmen at Sl. No. 1 & 2 have been absorbed w.e.f 11-12-1995 and services of workmen at Sl. No. 3 to 11 have been regularized w.e.f. 23-2-1996 observing the reservation policy as well as the settlement at Ex.M4. In his cross examination it was brought out that the case of the first party was not considered as per District-wise seniority list maintained by the bank and since the management adopted and considered the State-wise Seniority taking the categories into consideration the employees junior to the workmen in this case were regularized. He admitted that first party union is not party to the settlement at Ex.M4 and there is no mention in Ex.M1 about the procedure for regularization of service either considering the State-wise seniority or the District-wise seniority.

7. Learned counsel for the management argued that in case of reserved category State-wise seniority will be considered and not the District-wise seniority as per the Govt. of India Policy Rules vide Ex.M1 and M2. He submitted that the first party union has no authority to raise the present dispute or to challenge the above said settlement at Ex.M4 arrived at between the management and the recognized union in considering and absorbing the first party workman at Sl. No. 3 to 11 and, earlier to that the first party workmen at Sl. No. 1 & 2 and therefore, he submitted that first party workmen are not entitled for the relief sought for by them.

8. Whereas, learned counsel for the first party argued that the Reservation Policy should have been District-wise and whereas, since the management has

considered the Seniority of the Daily Wage workers maintained State-wise, there is injustice caused to the first party workmen in denying them absorption in regular service w.e.f. 28-9-1995.

9. After having gone through the records, the oral testimony of MW1, WW1 and so also the documents on behalf of the management at Ex. M1 to M4, I find substance in the arguments advanced by the management. It is not the case of the first party as noted above, that the management since absorbed seniority list wise, the first party workmen not have been given the benefit of absorption w.e.f. 28-9-95 it is the case of the first party that had the management considered District wise seniority, the first party workmen could have got the above said benefit. When the management have uniformly adopted the reservation policy and the guidelines under the notification at Ex. M1 and the guidelines at Ex. M2 respectively and have been considering the case of daily wagers based on State-wise seniority maintained, the first party workmen cannot call upon the management to consider their case on the basis of District-wise seniority maintained in respect of daily wagers. Moreover, in this case as admitted by WW1 himself there has been a settlement between the management and the recognized union at Ex. M4, and the workmen at Sl. No. 3 to 11 have been already absorbed w.e.f. 23-2-1996. It is also not in dispute that the services of the first party workmen at Sr. No. 1 & 2 have been regularized w.e.f. 11-12-1995 and, therefore, in my opinion there exists no dispute between the aforesaid workmen and the management any more. Undisputedly, the first party union is not a recognized union by the management and, therefore, it was first of all not the competent union to raise the dispute on behalf of the first party workman and secondly it cannot challenge the above said settlement at Ex. M4 entered into between the management and the recognized union. As far as Sl. No. 1 & 2 is concerned they have been absorbed into service w.e.f. 11-12-1995 when the recognized union raised the dispute before the ALC(C) Mangalore and settled the dispute with regard to the said two workmen to absorb them in service w.e.f. 11-12-1995. Therefore, when the matter has been settled between the recognized union and the management and the services of the first party workmen have already been regularized, now the first party union cannot once again raise the dispute or maintain the present dispute calling upon the management to regularize their services w.e.f. 28-9-95 particularly, in view of the settlement arrived at between the management and the recognized union as noted above. Moreover, as seen above, services of the first party workmen at Sl. No. 3 to 11 have been regularized from 23-2-1996 and whereas, services of the workmen at Sl. No. 1 & 2 have been made permanent w.e.f. 11-12-1995 and, therefore, the major grievances of the first party workmen has already been met, of course loosing benefit just for few months. In the result the present reference by the first party workmen represented through

the first party Union does not survive and accordingly it is to be rejected. Hence the following Award.

AWARD

The reference stands rejected. No costs.

(Dictated to PA transcribed by her corrected and signed by me on 5th April, 2006.)

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 25 अप्रैल, 2006

का. आ. 1997.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी. एल.के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 8/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-4-2006 को प्राप्त हुआ था।

[सं. एल-22012/172/2002-आई आर (सी-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 25th April, 2006

S.O. 1997.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 8/2003 of the Central Govt. Indus. Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of Khas Kajora Colliery under Kajora Area, M/s. ECL, and their workmen, received by the Central Government on 24-04-2006.

[No. L-22012/172/2002-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM LABOUR COURT ASANSOL

PRESENT :

Sri Md. SARFARAZ KHAN, Presiding Officer.

REFERENCE NO. 08 OF 2003

PARTIES:

Agent, Khas Kajora Colliery under Kajora Area of ECL.

Vs.

The General Secretary, Koyala Mazdoor Congress, Asansol, Burdwan.

REPRESENTATIVES:

For the Management	: Sri P.K. Das, Advocate.
For the Union (Workman)	: Sri P.C. Pandey, Vice President, Koyala Mazdoor Congress, Asansol, Burdwan.

Industry : Coal
 State : West Bengal

Dated the 30-03-2006

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/1172/2002-IR(C-II) dated 08-05-03 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether of the demand of the Koyala Mazdoor Sabha from the management of ECL, Khas Kajora Colliery to correct the date of birth of Sh. Rameshwar Mistry Sharma as 16-7-52 in place of 1-7-48 is Justified? If so, to what relief the workmen is entitled?”

After having received the order No. L-22012/172/2002-IR(C-II) dated 08-05-03 of the reference referred above from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 08 of 2003 was registered on 19-05-03 and accordingly an order was passed to issue notices to the respective parties through the registered post with a direction to appear in the court and file their respective written statements along with documents in support of their claims Pursuant to the said order notices through the registered post were issued to the parties concerned. Shri P.C. Pandey, Vice President of the union and Shri P.K. Das, Advocate representing the management respectively appeared and a written statement on behalf of the union was filed.

From perusal of the record it transpires that several adjournments and opportunities were given to the management to file the written statement on behalf of the management but to no effect and ultimately the case was fixed for hearing on the basis of the materials available on the record.

The case of the union in brief compass as set forth in its written statement is that Rameshwar Mistry, Welder of Khas Kajora Colliery was appointed on 08-04-1974 and at the time of appointment he had shown his Matric Certificate but the same was not considered and his date of birth was recorded as 01-07-1948 in the Form “B” Register.

The main case of the delinquent workman is that as per Matriculation Certificate issued by the Bihar School Examination Board the date of birth of the workman was recorded as 16-04-1952 and the said certificate is deemed to be final and binding to all for all the required purposes.

The further case of the union is that the workman had made representation before the management for

recording the said date of birth in the service record according to the Matriculation Certificate in accordance with the guidelines of implementation Instructin No. 76. It is also pleaded that if the management had any doubt or any suspicion about the genuineness of the Matric Certificate the same should have been verified by any reliable source and suitable steps on the adverse report if any should have been taken or if the report would have been positive necessary correction in the date of birth must have been done.

It is also the claim of the workman concerned that on the similar circumstance the date of birth have been corrected on the basis of the Matriculation Certificate of several workers in the year 1987. Unfortunately the age dispute of the delinquent workman is pending unresolved since the year 1987 but no direction in this regard has yet been issued to him causing great hardship and anxieties to the workman. Besides this the management had admitted the fact about raising the objection in his written statement at ALC(C) level even then the genuine demand of the workman was not considered. In the light of the above facts the union has sought relief for the correction of his date of birth in the service record in the light of the Matriculation Certificate submitted by the workman.

On the other hand the management appeared in the case having received the notice issued by the court but in spite of repeated directions and adjournments did not file its written statement to lead its case and to meet out the claim of the delinquent workman. So it can be easily concluded in prevailing facts and circumstance of the case that the management has got no defence and the complete silence itself amounts to acceptance of the claim of the union.

However on the perusal of the record it transpires that the union has filed the copy of the Matriculation Certificate, Certificate of the B.D.O. regarding the correct name and surname of the delinquent workman and copy of the S.R.E. along with an affidavit. These all documents appear to be relevant as the correctness and genuineness of the same has not been challenged by the management. It is apparent from the perusal of the copy of the important excerpt from the service record of the delinquent workman that his date of birth has been shown there as 01-07-1948 whereas the date of birth of the workman concerned as per the certificate of the Matriculation Certificate is 16-07-1952. So the entry in respect of the date of birth of the workman in his service record is apparently wrong which requires to be corrected accordingly. The management is directed to get the date of birth of the delinquent workman corrected in the service record of the workman in accordance with the Matriculation Certificate i.e. 16-07-1952 in place of 01-04-1948 within one month from the date of notification of the award. As such it is hereby.

MD. SARFARAZ KHAN, Presiding Officer

नई दिल्ली, 25 अप्रैल, 2006

का. आ. 1998— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधनतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2 धनबाद के पंचाट (संदर्भ संख्या 72/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-4-2006 को प्राप्त हुआ था।

[सं. एल-22012/270/2003-आई आर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 25th April, 2006

S.O. 1998— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 72/2004 of the Central Govt. Indus. Tribunal-cum-Labour Court, Dhanbad No. 2 as shown in the Annexure, in the industrial dispute between the management of Food Corporation of India, and their workmen, received by the Central Government on 25-04-2006.

[No. L-22012/270/2003-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD.

PRESENT:

Shri B. BISWAS, Presiding Officer.

In the matter of Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 72 OF 2004.

PARTIES : Employers in relation to the management of Food Corporation of India and their workmen.

APPEARANCES:

On behalf of the workman : None

On behalf of the employer : Mr. P. K. Acharjee,
Representative

State : Jharkhand Industry : FCI

Dated, Dhanbad, the 21st March, 2006.

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred them under section 10(1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-22012/270/03-IR (C-II) dt. 23-6-2004.

SCHEDULE

“Whether the action of the management of Food Corporation of India, Patna in terminating the services of Sh. Pramod Kumar, Casual employee is legal and justified? If not, to what relief Sh. Promod Kumar is entitled to?”

2. The case of the concerned workman according to written statement submitted by him in brief is as follows:

Concerned workman submitted that he was employed as casual employee at Modern Rice Mill, Chanpatia under the management of Food Corporation of India w.e.f. December 1983 as Class IV Staff along with 22 other workmen. He submitted that in the year 1985 management though regularised the services of 22 workmen refused to regularise him.

Though he was very much eligible to get his regularisation in terms of Circular dt. 6-5-87. He alleged that management instead of regularising his service stopped him to work w.e.f. 1-10-85 without giving any notice or paying him any compensation under Section 25-F of the Industrial Dispute Act. 1947.

He submitted that in terms of Circular dt. 6-5-87 issued by H.Qr. if a casual employee worked for 90 days on or before 2-5-86 he is entitled to for his regularisation against category IV post. He submitted that he passed 7th Class and possess requisite qualification for his regularisation as class IV Staff under the management. He alleged that in spite of fulfilment of all conditions as per Circular management arbitrarily and illegally refused to regularise him as class IV staff and for which he raised an Industrial Dispute for conciliation which ultimately resulted reference to this Tribunal for adjudication.

Accordingly he submitted prayer to pass award directing the management to regularise him as Class-IV Staff w.e.f. 1-10-85 with back wages and other consequential relief.

3. Management on the contrary after filing written statement our rejoinder have denied all the claims and allegations which the concerned workman asserted in his written statement.

They submitted that no vacancy was noticed for the post alleged to have been held by the concerned workman nor any application was invited for filling up that vacancy or post. Accordingly neither any letter of interview nor any letter of appointment was issued in his name. Even his name on any occasion was sponsored by the Employment Exchange. Accordingly, they submitted that without such pre-requisites, his question of employment did not arise. They submitted that the allegation which the concerned workman ventilated against the management are all false and manufactured and based on distorted facts.

They denied the claim of the concerned workman about getting his appointment in the month of December, 1983 in Modern Rice Mill, Chanpatia. They disclosed that it is surprising that if at all he was appointed by the Food Corporation of India to any post, he ought to have mentioned the name of the post to which he was appointed as also the reference number of the order and date by which he was appointed and the date from which he started working. They further alleged that the concerned workman,

slept for about 20 years after his termination of service and only during April, 2003 he raised an Industrial dispute before ALC(C), Patna for conciliation.

They categorically denied existence of any employer and employee relationship between the Food Corporation of India and the concerned workman at any point of time and for which the submitted that based on false and frivolous claim he is not entitled to get any relief.

Accordingly, they submitted prayer to pass award rejecting the claim of the concerned workman.

4. POWERS TO BE DECIDED

“Whether the action of the management of Food Corporation of India, Patna in terminating the services of Sh. Pramod Kumar, Casual employee is legal and justified? If not, to what relief Sh. Pramod Kumar is entitled to?”

5. FINDING WITH REASONS

It transpires from the record that inspite of giving ample opportunity the concerned workman neither submitted any relevant document nor adduced any evidence with a view to substantiate his claim. As a result of which the instant case was fixed for exparte hearing. During exparte hearing management examined one witness as M.W.I.

As per written statement submitted by the concerned workman he was employed by management at Modern Rice Mill, Chanpatia as class IV staff w.e.f. December 1983 along with 22 other workmen. He submitted that as per Circular issued by Food Corporation of India H.Q.R. management though regularised the services of 22 workmen refused to regularise him and stopped him from work in the month of September 1983 without issuing any notice or paying him any compensation under Section 25-F of the Industrial Disputes Act, 1947.

Management by adducing evidence categorically denied the claim of the concerned workman. Considering the pleading submitted by the concerned workman it has been exposed that he got his employment at Modern Rice Mill, Chanpatia as Class-IV Staff in the month of December 1983 and worked upto September 1985. It is curious to note that inspite of claiming so he has failed to produce a single scrap of paper to show that he got his letter of appointment from management before he joined to his post. He has failed to adduce any sort of evidence based on which there is scope to draw conclusion that he was allowed to work there by the management upto September 1985. Management has categorically denied his claim and when such specific denial comes in he can not avoid his responsibility to establish his claim.

It has been disclosed by him that management employed 22 other workmen along with him but to substantiate such claim he has failed to produce any paper.

to show that management regularised the services of those workmen.

It has been claimed by him that before stopping him from service management neither issued any notice nor paid him any compensation under Section 25-F of the Industrial Dispute Act. Question of issuance of notice or payment of compensation comes in if it is established that the workman though employed properly by the management stopped him from service illegally inspite of rendering continuous service for not less than one year under the employer. I find no hesitation to say that the concerned workman has failed to produce any such paper in support of his claim.

According to the facts disclosed in the written statement submitted by the concerned workman that he worked under the management till September 1985. The reference itself speaks that he raised Industrial Dispute in the year 2003, i.e., after a lapse of about 18 years. The concerned workman can not in any circumstances avoid his responsibility to explain why he made such inordinate delay in raising that Industrial Dispute. He also can not avoid his responsibility which step he took when management stopped him from his service.

I find no hesitation to say that concerned workman in his pleading has failed to give proper explanation in respect of the points discussed above. It is seen that he has finished his duty just by filing his written statement. He did not consider necessary to justify his claim by adducing cogent evidence particularly when management specifically denied his each and every claims.

It is to be borne in mind that facts disclosed in the written statement can not be considered as substantive piece of evidence without its corroboration by adducing cogent evidence. It is clear from the record that inspite of getting ample opportunity he has lamentably failed to adduce any cogent evidence with a view to substantiate his claim. Accordingly, based on the facts disclosed in his written statement there is no scope at all to uphold his contention that he was an employee under the management and he was stopped from his service illegally.

In view of the facts and circumstances discussed above I find no hesitation to say that the concerned workmen raised a vexatious Industrial Dispute against the management and for which he is not entitled to get any relief.

In the result following award is rendered :

AWARD

“That the action of the management of Food Corporation of India, Patna in terminating the services of Sh. Pramod Kumar, Casual employee is legal and justified.

Consequently he is not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 25 अप्रैल, 2006

का. आ. 1999.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 92/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-4-2006 को प्राप्त हुआ था।

[सं. एल-12012/353/1996-आई. आर. (बी-II)]

सौ. गंगाधरण, अवर सचिव

New Delhi, the 25th April, 2006

S. O. 1999.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. (92/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure, in the industrial dispute between the management of Allahabad Bank and their workmen, received by the Central Government on 24-4-2006.

[No.-L-12012/353/1996-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR, COURT- LUCKNOW

PRESENT:

SHRIKANT SHUKLA : Presiding Officer

I. D. No. 92/2002

Ref. No. L-12012/353/96-IR (B-II) Dt. 16-4-2002
Between

Sh. Tribeni Prasad Patel,
S/o. Sh. Jagannath Prasad
C/o U. P. Bank Employees Welfare,
Trust Bhawan, 10/2 Patrika Marg,
Civil Lines, Allahabad.

And

The Regional Manager,
Allahabad Bank, Regional Office,
Moradabad (U.P.)

AWARD

The Government of India, Ministry of Labour, New Delhi referred the following dispute *vide* order No. L-12012/353/96-IR (B-II) dated 16-4-2002 for adjudication to the Presiding Officer, CGIT-cum-Labour Court, Lucknow.

“Whether the action of the management of Allahabad Bank in terminating the services of Sh. Tribeni Prasad Patel ex temporary sub staff w.e.f. 15-5-82 is fair and legal? If not what relief the disputant is entitled to and from which date?”

Worker's case in brief is that his father Jagan Nath Prasad was employed as Sub-Staff (Chowkidar) at the bank's Jewar Branch in district Bulandshahr. Since his father had been on leave due to protracted sickness since 1980 and as the family fell in acute financial hardship, the management of the bank offered the workman i. e. Tribeni Prasad Patel at Jewar Branch of the bank in subordinate cadre in clear vacancy, to some extent mitigate the hardship faced by the family of late Jagan Nath Prasad, however no letter of appointment specifying the period etc. was issued to the work. Worker's case is that he was appointed on 11-2-81 in Jewar branch and he worked till 15-5-82 when his services were terminated by the bank without assigning any reason without payment of notice, notice pay and retrenchment compensation. It is also submitted by the worker that his father died on 11-1-93 while he was in the service of the bank as Chowkidar. Since late Jaggan Nath Prasad died in harness the bank ought to have appointed the worker in service of the bank on the basis of the scheme for compassionate appointment then in force in the bank. By not considering re-employment of the worker and by appointing other temporary employees, the bank did commit breach of Section 25 H of the I. D. Act. Worker has therefore prayed that Tribunal may hold the action of the management of Allahabad Bank terminating the services of the worker w.e.f. 15-5-82 as unfair and illegal. Worker has also prayed for reinstatement with full back wages and may also order absorption of the worker in permanent service of the bank.

Asstt. General Manager has filed the written statement denying the claim of the workman. It is submitted that the concerned workman was engaged in leave vacancy intermittently, no appointment or termination letter was given to him. The Asstt. General Manager has submitted that the workman concerned worked only 89 days in leave vacancy as per chart below :—

SI. No.	Period	Amount of Wages Paid in (Rs.)	Date of payment	Working days	In Place of
1	2	3	4	5	6
1.	Feb. 1981	71.40	7-3-81	4(11-2-81 to 14-2-81)	Roop Kishore, regular Sub-staff (on leave)
2.	March 1981	32.25	27-4-81	2(2-3-81 and 7-3-81)	Roop Kishore went to Bulandshahr for Cash Remesh Chandra, regular sub-staff (on leave)

1	2	3	4	5	6
3.	April 81	33.33	7-5-81	2 (27-4-81 & 30-4-81)	Ramesh Chandra (on leave)
4.	May 1981	460.16	30-5-81	28 (4-5-81 to 31-5-1981)	Roop Kishore (on leave)
5.	June 81	356.12	29-6-81	21 (1 to 6 10, 11 15 to 20 24 to 30)	Roop Kishore (on leave) Ramesh Chandra went to Ghaziabad with cash Ramesh Chandra (on leave) Roop Kishore (on leave)
6.	July 81	65.75	31-7-81	4 (1-7-81 to 4-7-81)	Roop Kishore (on leave)
7.	Oct. 81	17.06	3-11-81	1 (29-10-81)	Roop Kishore went to Imliya branch for Bank's work.
8.	Dec. 81	107.17	30-12-81	6 (1-12-81 to 3-12-81 & 10-12-81 to 12-12-81)	Ramesh Chandra (on leave)
9.	Jan. 82	53.58	30-1-82	3 (1, 15 25-1-81)	Ramesh Chandra went out with cash Ramesh Chandra (on leave)
10.	Feb. 82	19.77	27-2-82	1 (18-2-82)	Ramesh Chandra went outside with cash.
11.	Mar. 82	236.30	22-3-82	13 (8 to 10 11 to 20)	Ramesh Chandra (on leave) Roop Kishore (on leave)
12.	May 82	72.69	17-5-82	4 (12-5-82 13 to 15)	Ramesh Chandra went out with cash Ramesh Chandra (on leave)
Total			89 Days		

It is further submitted that from the perusal of the above statement the number of days of working of the concerned workman will go to show that concerned workman was given work in the leave vacancy from 11-2-1981 to 15-5-1981 intermittently. In the circumstances no appointment letter was given to him and there was no need for the same. It is also alleged that concerned workman is not entitled benefit under Section 25 H of the I. D. Act as he has worked only in the leave vacancy and never given temporary employment. It is also submitted that the concerned workman has also not come with clean hands as in para 5 of his affidavit dt. 7-8-01 filed in Writ Petition

no. 41123/97 before Hon'ble High Court of Judicature at Allahabad, he has sworn that he was given employment after the death of his father, whereas his father was very much alive in the year 81-82. From this, it is evident that the concerned workman had been desperately setting up conflicting stand to set up his untenable claim. It is submitted that even for giving temporary employment opposite party bank has to adopt procedure by inviting application from Employment Exchange so that back door entry in job may not be made. In the case of concerned workman, no such procedure was adopted. Hence, it cannot be said that concerned workman was temporarily employed.

In the circumstances workman can not be considered "a workman" for the purpose of applicability of provision of I. D. Act. It is also alleged that claim of the workman is highly belated and in the absence of any explanation, such claim has become stale and time barred. As such the concerned workman will not be entitled for any relief. The claim of the concerned workman for appointment on the basis of rule "Dying in Harness" can not be adjudicated as it is beyond the scope of present reference.

Worker has filed rejoinder wherein the contents of employment in leave vacancy is not disputed. It is further alleged that the fact is that wherever the opposite party took work in leave gap vacancy, he did perform the work but opposite party did not make vouchers corrected for wage payment according to settled position by Shastri Award as well as bipartite settlement as amended from time to time. It is further submitted that the concerned workman also worked as temporary employee continuously from Feb. 1981 to May 1982 as such he worked more than 240 days in a calendar year @ 245/- as basic pay along with proportionate allowances which came in light after filing writ petition as such he is covered under the provisions of Section 2(s), 25 F, 25G, 25H, 25N of the I. D. Act, 1947 and provisions of para 20.6 of Bipartite settlement dt. 19-10-66 as well Rule 77 & 78 of I. D. Act (Central) 1957. Regarding filing of the affidavit in the writ petition before the Hon'ble High Court, Allahabad it is submitted that workman moved an application for compassionate appointment but he did not keep its carbon/photo copy for extra record with him being innocent about it and the rest of its contents are denied.

The worker in his statement of claim in para 11 has specifically mentioned that the applicant was offered for appointment for 89 days but subsequently worker moved an application C-20 on 14-8-03 for amending 89 days to 240 days. The application was opposed by the opposite party bank on the ground that the same is after thought and therefore application C-20 was allowed on the cost of Rs. 200.

When the worker's application for amendment of statement of claim was allowed the opposite party bank was provided opportunity to file additional written statement. The management of the bank has submitted that worker's amendment version that he had worked for 240 days in a year is inconsistent with his averment made in para 15 of rejoinder and as such the claimant has no right to rely on it. It is further submitted that pleading for working of 240 days in year is after thought and malafide. The management has specifically denied that the claimant had worked for 240 days in a year, instead it has been stated he worked for 89 days as he has been fully explained in para 19 of written statement.

The representative of the opposite party has filed vouchers dt. 7-3-81, 27-4-81, 7-5-81, 30-5-81, 29-6-81,

31-7-81, 3-11-81, 30-12-81, 30-1-82, 27-2-82, 22-3-82 and 17-5-82.

The representative of the opposite party has also filed photo copy of letter dt. 17-5-96 from Jewar branch addressed to Regional Office, Moradabad containing page 2 i.e. exhibit 13.

The worker has filed additional rejoinder.

16-11-2004 date fixed for evidence. But on the date fixed worker did not appear but an application was moved which was allowed and the next date was fixed 10-2-05.

On 10-2-05 the worker did not appear however, the opposite party moved an application for adjournment which was allowed and 3-5-05 was fixed for evidence.

On 3-5-05 the worker and his representative remained absent while the opposite party representative was present. It was presumed that worker does not want examine to any witness and therefore the court ordered 28-6-05 date to be fixed for opposite party evidence. On 28-6-05 worker's party's representative moved an application to set aside the order dt. 3-5-05 and requested for permission in favour of workman to lead oral evidence. In the interest of justice the worker was allowed one and last opportunity to produce its evidence in the form of affidavit within a period of 15 days after furnishing its copy to the opposite party at the cost of Rs. 200/- accordingly the representative of the worker's application was disposed of and 26-7-05 was fixed for examination of the witness of the worker.

Worker did not file the evidence in the form of affidavit as ordered in the stipulated time nor did he come on 26-7-05. Therefore it was believed that the worker does not want to produce any evidence nor wishes to be cross-examined. 30-8-05 was fixed for opposite party evidence.

On 30-8-05 the worker was given an opportunity to file his evidence in the form of affidavit on 6-9-05 and 20-9-05 was fixed for cross examination of the worker.

On 6-9-05 the representative of the worker filed affidavit purported to be that of the worker but on the date fixed for cross examination neither the worker appeared nor his representative.

On 20-9-05 worker's representative again moved an application for adjournment which was allowed at the cost of Rs. 100/- and 18-10-05 was fixed for cross examination of the worker. Representative of the worker demanded for another date therefore 31-10-05 was fixed for cross examination of worker.

On 31-10-2005 the worker did not appear for cross examination. It was believed that worker does not want to be cross examined. In the circumstances opposite party was directed to file affidavit of his witness and produce such witness for cross examination on 21-11-05.

On 21-11-05 the opposite party filed the affidavit A-40 of Sri J.P. Sharma who was cross examined by Sri R.S. Tewari representative of the worker. Date 2-12-05 was fixed for argument. Opposite party filed its written argument on 2-12-05. Worker was again allowed an opportunity to file written argument and the next date was fixed was 20-12-2005. On 20-12-05 the worker's representative sought adjournment by moving application therefore the next date was fixed 13-1-06. On 13-1-06 worker's representative again moved an application D-43 and the next date was fixed 28-3-06. On 28-3-06 worker's representative again moved adjournment application stating that written argument could not be typed on computer due to non supply of electric due to break down on transfer of the locality of the area. Application was allowed and the worker was given an opportunity to file written argument on 18-4-06.

The worker or his representative did not turn up on 18-4-06 till closing of the court.

In the circumstances there is no option left than to decide the case on the documents on record. I have perused the pleading and evidence on record. Written argument submitted by the opposite party.

On the one hand the worker has not turned up for cross examination on the other hand the opposite party has filed the affidavit of Sri J.P. Sharma, Manager of the Jewar branch of opposite party bank.

Sri J.P. Sharma has stated in his affidavit that Tribeni Prasad Patel was not appointed as regular sub staff as alleged by him, instead he was temporarily engaged intermittently in leave vacancy from time to time according to exigency of work for a period of 89 days in all on daily wages. It is also stated in the affidavit that Tribeni Prasad Patel had never completed 240 days in a calendar year as a sub staff as alleged by him. It is again stated that from the very beginning of raising of his dispute, it has been consistent stand of Sri Tribeni Prasad Patel that he was engaged in all for 89 days. His subsequent claim for having worked for more than 240 days is after though and false.

Sri J.P. Sharma has also stated in the affidavit that before given intermittent engagement to Tribeni Prasad Patel, no rule and direction for giving regular appointment was followed, and, as such, he would not fall in the definition of workman under Section 2(s) I.D. Act. 1947. Sri Tribeni Prasad Patel was intermittent in leave vacancy and in the circumstances no appointment letter was ever issued. The father of the concerned workman was posted as Armed Guard at Jewar branch since 15-2-71 and he was retired on July 1984. And he died on 11-1-93. Sri J.P. Sharma denied that there has been breach of Section 25H of the I.D. Act on the part of opposite party bank. No. such person namely Suraj Pal was ever engaged at Jewar branch of the opposite party bank.

Sri J.P. Sharma was subjected to cross examine by the representative of the worker. He has replied in the cross examination that he has written in affidavit that Tribeni Prasad Patel worked for 89 days in Jewar branch on the basis of the record of the bank. He has denied that Tribeni Prasad Patel worked for 240 days in Jewar branch. In the further cross examination he has stated that worker Tribeni Prasad Patel was engaged in the leave vacancy of Roop Kishore and Ramesh Chandra for intermittent period this was temporarily arrangement.

Sri J.P. Sharma has admitted that worker has not been given any retrenchment compensation or notice.

On the worker's affidavit which his representative has filed is no evidentiary values as he has not produced himself for cross examination.

It is settled law that it is for the claimant to lead evidence to show he had in fact worked for 240 days in the year preceding his termination. Filing of affidavit only is own statement in his favour and that can not be recorded as sufficient evidence for any court or Tribunal to come to the conclusion that workman had in fact worked for 240 days in a year. The representative of the opposite party has relied on 2002 Lab IC 987 (SC) Range Forest officer vs. T.S. Hadimani.

Probably the worker wants to rely upon the certificate issued by Manager, Allahabad Bank Jewar branch where in it is written that Tribeni Prasad Patel S/o Jagan Nath Prasad had been employed from Feb. 1981 to May 82 @ 245/- per month. This document does not show as to how many days the worker had worked during the period nor any date has been mentioned.

Worker has also filed the photo copy of the order dt. 13.2.2002 of Hon'ble High Court, Allahabad passed in writ petition No. 41123 of 1997 in Tribeni Prasad Patel Vs. Union of India, Asstt. Labour Commissioner (C) Dehradun Regional Manager, Allahabad Bank, Moradabad and Desk Officer, New Delhi.

In the said order petitioner's claim is written which is reproduced below:

"The petitioner claims to have been appointed as class IV employees in Allahabad Bank in the district Bulandshahr on 11-2-81 on the death of his father Jagannath prasad who was as a confirmed class IV employee in the said Bank. It has been stated that having works for 89 days, without any rhyme or reason petitioner was asked not to work. In view of the aforesaid fact petitioner states that he approached the concerned authorities from time to time but his claim for continuance was not considered on account of which he has to make a detailed representation on 8.5.95 raising industrial dispute against the illegal and arbitrary order of termination

of his service. As the petitioner happened to be a poor person and not being in a position to contest his case before the respondent no. 2 he have authority letter dt. 8-5-95 authorising the General Secretary of the U.P. Bank Employees Union to Represent his case and to sign documents/papers etc. on his behalf. It is said that notice was issued in respect to the peititoners claim upon which a counter affidavit was filed by the respondent no. 3 to which petitioner also filed rejoinder affidavit on 31-8-96. Respondent No. 2 after considering the facts vide its order dt. 31-10-96 (Ann-1 to the writ petition) rejected the conciliation proceedings and an information was sent in this respect to the appropriate government who by its order dt. 22-8-97 (Ann. 2 to the writ petition) refused to make reference to the Industrial Tribunal for adjudication of the petitioners claim on the ground that No industrial dispute exists and the claim has been laid by the petitioner after lapse of 13 years. It is these two order dt. 31-10-96 and 22-8-97 (Annexures 1 & 2 to the writ petition respectively) which has made the petitioner aggrieved to come before to court."

From the above it is clear that the worker claimed himself to be appointed as class IV employee w.e.f. 11-2-81 wherein he worked for 89 days only. Thus, the claim put up by the worker belatedly for 240 days is false. Worker could in ways stretch of imagination could be held have worked for 240 days looking to reliable evidence of the opposite party. Opposite party had in para 22 of the written statement stated is as under; "That the concerned workman has also not come with clean hands as in para 5 of his affidavit dt. 7-8-01 filed in writ petition No. 41123/97 before Hon'ble High Court of Judicature at Allahabad, he has sworn that he was given employment after the death of his father, whereas his father was very much alive in the year 1981-82. From this, it is evident that the concerned workman had desperately setting up conflicting stand to set up his untenable claim".

Worker has not specifically denied the above contents if the above statement in para 22 of written statement was false and the copy of the affidavit was not available with the worker, he could have obtained the copy to disprove the statement of para 22 of the written statement.

Worker has not proved his case nor has proved any fresh hands engaged in his place.

The workman concerned has stated that his father Jaggan Nath Prasad was died on 11-3-93 while he was in service of the bank as Chowkidar and since he died in harness that bank ought to have appointed Tribeni Prasad Patel in the service of the bank on the basis of the scheme for compassionate appointment then inforced in the bank. The management's case is that appointment on the post of rule of dying in harness can not be adjudicated as it is

beyond the scope of present reference. No reference has been made in this regard. Thus the claim is beyond the scope of reference. The concerned workman had not raised the claim according to rule, no question of getting the benefit of this rule would arise.

The reference which has been sent for adjudication is only limited to the termination of Tribeni Prasad Patel w.e.f. 15-5-82. The court has to decide whether there was any such termination of 15-5-82 if yes then it was fair and legal. This court can not travel beyond the reference. There is no reference by the government whether or not the worker should be appointed on the basis of dying in harness. In the circumstances allegation of the worker that he ought to have been appointed on the basis of dying in harness is absolutely irrelevant for the present case.

Sri J.P. Sharma on the other hand proved by affidavit that the father of the workman was posted as Armed Guard in Jewar branch since 15-2-71 and he was retired in July 84. He died on 11-1-93. No question has been asked from Sri J.P. Sharma on the above statement.

From the over all evidence on record I come to the conclusion that worker was intermittently engaged in the leave vacancy of the bank for less than even 100 days. Worker was not given any appointment letter nor any termination letter. Therefore, it is not case of retrenchment and the further non-engagement of the worker by the bank Manager does not give the right to the worker to hold the post of sub staff. The worker is entitled to notice, notice pay in lieu of notice and retrenchment compensation only when he puts in continuous 240 days work before his termination within a period of 12 calendar months. In the circumstances the worker Tribeni Prasad Patel was not entitled to any notice, notice pay or compensation. Worker has also not proved that any new hand has been engaged as defined under I.D. Act. The worker has no protection of Section 25F, 25G or 25H. Issue is therefore answered in favour of the management and against the worker and I am of the considered opinion the worker is not entitled to any relief. Award passed accordingly.

Lucknow

20-4-2004

SHRIKANT SHUKLA, Presiding Officer
नई दिल्ली, 25 अप्रैल, 2006

का. आ. 2000.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केनरा बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय नं.-1, नई दिल्ली के पंचाट (संदर्भ संख्या 107/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-4-2006 को प्राप्त हुआ था।

[सं. एल-12012/118/2000-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 25th April, 2006

S. O. 2000.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 107/2000 of the Central Government Industrial Tribunal-cum-Labour Court No. 1, New Delhi as shown in the Annexure, in the industrial dispute between the management of Canara Bank and their workmen, received by the Central Government on 24-04-2006.

[No. L-12012/118/2000-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SHRI S.S. BAL, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT NO. 1: NEW DELHI

I. D. No. 107/2000

Shri Sudhir Arora,
Ex-Clerk,
Canara Bank,
Nehru Place Branch,
New Delhi,
R/o House No. B-18,
Sector-40, NOIDA,
Gautam Budh Nagar,
U.P.

....Applicant

Versus

Canara Bank,
Dy. General Manager,
Canara Bank,
Disciplinary Action Cell,
Circle Office,
Connaught Place,
New Delhi-110001

....Management

APPEARANCES:

None for the workman

Shri Ashish Sharma proxy for A/R for management.

AWARD

The Central Government in the Ministry of Labour, *vide* its Order No. L-12012/118/2000/IR (B-II) dated 29-9-2000 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the management of Canara Bank, Disciplinary Cell, Circle Office, Marshall House, New Delhi in dismissing the services of Shri Sudhir Arora, Clerk w.e.f. 29-8-1996 is legal and justified. If not, then what relief the said workman is entitled to and from what date?”

2. In response to the notice workman appeared and filed his claim statement and the management filed reply/written statement respectively. Facts culled from the pleading and record are that the workman claimant was employed as clerk with the management on 21-8-80 *vide* appointment letter dated 14-8-80 and worked upto 1998 at Nehru Place Branch of Canara Bank and he has been working diligently for more than 9 years without any complaint from any person. He was served with charge sheet dated 24-4-93 containing allegations that while functioning as clerk at Nehru Place Branch during the year 1988 he *malafidely* favoured Raman Mehta and Rakesh Walia later impersonating as Vinay Bhutani in opening a fictitious current account No. 3034 dated 24-11-88 in the name of Golden Sales Corporation by securing introduction for the same from Mr. Vinay Sareen, Prop. M/s Aparna Exports (1) Ltd. He requested for and got accommodation of cheque No. 729353 and 729354 of the said account when they were dealt at the branch in clearing so as to avoid dishonour for want of sufficient credit in the account. He got introduction of the said account at the instance of Mr. Raman Mehta and accommodations were sought at the instance of Mr. Anil Arora, my brother and that he knew the real persons who were operating the said fictitious accounts. As such he intentionally and knowingly acted in a manner prejudicial to the interest of the bank and thereby committed a gross misconduct within the meaning of Chapter XI, Regulation 3(m) of Canara Bank Service Code. He was given a charge sheet for committing gross misconduct while giving accommodation and in clearing the cheques mentioned above and Shri P. K. Batra was appointed as Enquiry Officer to enquire into the charge sheet who conducted enquiry proceedings on 30-11-93. Management also appointed Shri Ramesh Kumar outsider, Inspector C. B. I. as Presenting Officer for management and *malafidely* refused the workman to seek help of a professionally qualified person or an advocate for representing him before the enquiry proceedings. The enquiry officer held him guilty *vide* his report dated 24-7-96 and on the basis of the report of the enquiry officer management dismissed the workman on 29-8-96. He preferred appeal against the said enquiry order of dismissal dated 29-8-96 before the Appellate Authority which was rejected on 3-9-97 upholding the findings of the enquiry officer. The charges levelled in the charge sheet against him are false and frivolous and against the actual facts of the case Enquiry Officer committed various irregularities which cause prejudice to him. Findings of the enquiry officer are perverse and against evidence and records of the case. He was not furnished the investigation report submitted to the management and the enquiry is vitiated as the bank was represented in enquiry proceeding by outsider and duly qualified person with professional skill. The bank has appointed Shri Ramesh Kumar Inspector C. B. I. as its presenting officer and he was not allowed to engage advocate equally competent for representing him in

enquiry. The enquiry officer has himself misconducted and violated principles of natural justice and the enquiry is liable to be set aside. Management failed to furnish documents demanded by the workman during the course enquiry proceedings which are within the care and custody of management which are within its care and custody. The department failed to produce the reports of the enquiries conducted earlier to enable the workman to effectively cross examine the witnesses. It is further stated/averred that the management during the enquiry refused to give the workman essential documents and the record required to cross examine the witness and refute facts/allegations levelled against him. Acts/findings of the enquiry officer are based on the personal opinion of Mr. Surendaran Inspector C. B. I. and is based on conjectures and surmises and is not based on facts. It is also stated that at the time of introduction of the account he was not aware of anything about M/s Golden Sales Corporation or Mr. Vinay Bhutani and he was also not aware of the purpose for which the said account was opened. The workman was not aware of any dealings of the then New Bank of India with Mr. Rakesh Walia or M/s French International or issuance of pay order by the N. B. I. to the said firm. It is submitted by the workman that Rakesh Walia admitted that he impersonated as Vinay Bhutani at the time of opening of account. Workman was thus himself cheated and believed Rakesh Walia to be Vinay Bhutani till time fraud was detected. The enquiry officer *malafide* relied on the statements of various witnesses recorded under Section 161 Cr. P. C. by Mr. Surendaran during the course of his investigation which cannot be used for the purpose of corroboration or as substantive evidence. The workman even otherwise was also not allowed to cross examine the said witnesses in the enquiry. The enquiry as such is vitiated and liable to be set aside. The enquiry officer relied on the statement of some persons who were not even called to deposing the enquiry proceedings. The statement of any person not recorded in the enquiry proceedings cannot be referred to or relied upon by the enquiry officer. The enquiry officer has heavily relied on the testimony on Mr. Surendaran, who conducted the investigation on the FIR of New Bank of India, East of Kailash in the account of M/s Fresh International, Mr. Surendaran, Investigation Officer has already filed the charge sheet in the Court and it has been admitted by Mr. Surendaran that workman is not accused or party in the said proceedings. The workman acted *bona fide* and in the best interest of the bank and has not caused any loss or harm to the Bank in any manner. The management failed to show any prejudice or loss, even imaginary, which has been caused to the Bank due to any act or conduct of the workman. The dismissal of the workman from service on the basis of the enquiry report is illegal. The workman submits that no misconduct has been committed as per Chapter XI regulation 3(m) of the Canara Bank Service Code. Hence the charge sheet and the dismissal of the workman is illegal and he is entitled to be reinstated with full back wages.

3. The Management contested the case by filing written statement denying the claim of the workman and averring that the workman was charge sheeted for misconduct; that he favoured Raman Mehta and Rakesh Walia who impersonated as Vinay Bhutani in opening fictitious current account namely current account No. 3034 dated 24-11-88 in the name of M/s Golden Sales Corporation by securing as introduction of the same from Shri Vinay Sareen proprietor of M/s Aparna Exports (1) Ltd. The said account was opened with the malicious purpose of encashing the pay order No: 124825 dated 2-11-88 for Rs. 80,300 issued by the New Bank of India, Kriti Nagar Branch, New Delhi in favour of M/s Golden Sales Corporation of Smt. Alka Wadhwa w/o Sri Varinder Kumar Wadhwa or purpose of purchasing machines from M/s French International, New Delhi. It is further stated that the workman also requested for and got accommodation of cheques No. 729353 and 729354 of the said account when they were dealt at the branch in clearing so as to avoid dishonour for want of sufficient funds. The younger brother of the workman Anil Arora, was a business associate of Sri Raman Mehta. The workman got introduction of the said account at the instance of Sri Raman Mehta and accommodate were sought at the instances of Sri Anil Arora, his younger brother. All these show that Sri Arora knew the real persons who were operating the said fictitious accounts. Thus the workman knowingly and willfully acted in the manner prejudicial to the interest of the bank and committed gross misconduct within the meaning of the provisions of Canara Bank Service Code. Shri P. K. Batra officer of the Bank was appointed as enquiry officer to conduct enquiry. Ramesh Kumar Inspector with C. B. I. (but not even a Law Graduate) was appointed as Presenting Officer on behalf of the Bank. Before the enquiry officer the workman submitted that he would like to be represented by an advocate as his defence representative and he was asked to furnish the particulars of his representative and thereafter he appointed Shri J. Venketaraman, Jt. Secretary of the Canara Bank Employees Union as his Defence Representative. The workman participated in the enquiry proceedings and written submissions were filed on behalf of the management as well as workman and an enquiry officer found on completion of enquiry that the charges leveled against the workman were proved *vide* report dated 24-7-96 and copy of the same was furnished to him by the disciplinary authority to make his submissions therein. The workman submitted his submissions on the findings of the enquiry officer and after considering the submissions and the report the Disciplinary Authority proposed punishment of dismissal *vide* letter dated 24-7-96 and thereafter giving personal hearing. The Disciplinary Authority imposed punishment of dismissal of service *vide* order dated 29-8-06. The allegations regarding that the enquiry was not properly conducted etc. and other allegations have been denied.

4. Written statement was followed by replication wherein contents of the claim statement were reiterated to be correct and those controverted averments in the written statement were denied.

5. After filing documents by the parties and admission denial of documents the case was adjourned to 22-10-03 for filing workman affidavit in evidence.

6. Workman filed his affidavit on 19-7-2004 and case was adjourned to 6-10-2004 and on 8-6-2005 management representative pointed out that the affidavit of the workman is not properly attested and case was fixed for filing attested affidavit on 10-8-2005. On 10-8-05, 21-11-05, 6-2-06 and today on 17-4-06 neither workman nor his A/R appeared. The case was fixed for cross examination of workman on 6-10-04 but none appeared on the next adjourned date and case was fixed for 29-12-04 when clerk of Shri Ravinder Kumar A/R for management appeared while none appeared for workman and case was adjourned to 23-2-05 and on that date also none appeared and case was adjourned to 8-6-05 when workman appeared in person but Ravinder Kumar for the management pointed out that the affidavit furnished by workman was not attested and the case was adjourned to 10-8-05 for filing attested affidavit by workman and also for cross examination when none appeared and the case was adjourned 21-11-05 when none appeared for the workman and Shri Sanjeev Kumar Proxy for A/R for the management appeared and case was adjourned to 6-12-05 giving last opportunity to the workman. On 6-12-05 none appeared and the case was adjourned for evidence of the workman by way of affidavit and his cross examination again giving him last opportunity for this purpose. The workman has been given many opportunities to file his proper affidavit and adduce evidence by way of filing attested affidavit. Thus workman was given ample opportunities to adduce evidence by way of filing attested affidavit. And making him available for cross examination. He was given last opportunity twice for this purpose. Thus it is apparent that the workman is not interested in prosecution of this case. From his non-appearance for the last 4-5 hearings as stated above it can be safely presumed that he has no defence to offer to the impugned action of the management in dismissing him from service w. e. f. 29-8-96 and he does not dispute the same. Hence No Dispute Award is accordingly passed. File be consigned to record room.

Dated : 17-4-06

S. S. BAL, Presiding Officer

नई दिल्ली, 25 अप्रैल, 2006

का. आ. 2001.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसूर मिनरल्स लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलौर के पंचाट (संदर्भ संख्या 53/02) को

प्रकाशित करती है, जो केन्द्रीय सरकार को 24-4-2006 को प्राप्त हुआ था।

[सं. एल-29012/45/2002-आई आर. (विविध-II)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 25th April, 2006

S. O. 2001.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 53/02) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relating to the management of Mysore Minerals Ltd. and their workman, received by the Central Government on 24-4-2006

[No. - L-29012/45/2002-IR (M)]

B. M. DAVID, Under Secy.

**ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
BANGALORE**

Dated : 10th April, 2006

PRESENT

Shri A. R. SIDDIQUI

Presiding Officer

C. R. No. 53/02

I-PARTY

Shri Bettegowda,
S/o Kapani Gowda,
Bettegowdanan Doddi,
Narayanapura Post,
Kankapura Taluk,
Bangalore

II-PARTY

The Managing Director,
Mysore Minerals Limited,
No. 39 M. G. Road,
Bangalore.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Dispute Act, 1947 has referred this dispute *vide* Order. No. L-29012/45/2002-IR (M), dated 9th September, 2002 for adjudication on the following schedule :

SCHEDULE

“Whether the management of Mysore Minerals Ltd., is justified in terminating the services of Shri Bettegowda, Workman with effect from 5-9-1995? If not, what relief he is entitled to and from which date?”

2. The Case of the first party workman, as made out in the Claim Statement, in brief is that having joined the services of the management in the year 1984 as a Mine Workman he was discharging his duties sincerely and honestly without any blemish. He worked in the Mine taking great risk and in the course of employment suffered

an accident losing his left hand and therefore, he was provided with light job by the management office *vide* letter dated 5-7-1989. From that day onwards he had to take the treatment for nerve weakness strain and stress and had to avail sick leave from 1-8-1994 to 12-8-1994. On 13-8-1994 when he reported for duty with leave letter and medical certificate issued by the Govt. hospital the management to his surprise refused employment to him treating the above said Sick Leave period as unauthorized absence and he was kept under suspension pending enquiry; that a farce of enquiry was conducted without notifying the charges and without the service of the charge sheet and that in fact no DE was held against him on 26-6-1995 as alleged and it is the officials of the management created certain documents purporting to be the enquiry papers taking the signature of the first party on the ground that some information was required from him about his absence from duty and thereafter dismissal order dated 24-8-1995 was issued against him without supplying him the copy of the enquiry report and without issuing him show cause notice on the enquiry findings; that the punishing authority has mechanically accepted the show cause findings of the eye wash enquiry and inflicted the extreme penalty of dismissal from service, that too, without issuing any show cause notice proposing the punishment and giving him opportunity of personal hearing. Therefore, enquiry proceedings are conducted against the violation of principles of natural justice, enquiry findings were perverse and order dismissing him from service was illegal and arbitrary. In the result award may be passed setting aside the dismissal (removal order) passed by the management along with consequential benefits.

3. The management by its Counter Statement not disputing the fact that first party was in their service and he lost his left forearm during the course of employment and then was provided with light job however, contended that during the period 1-8-1994 to 12-8-94 the first party attended his duties on 2-8-94, 3-8-94, 8-8-94, 9-8-94 and 10-8-94 and left the quarry without obtaining the permission from his official superior which fact was reported by his mine mate to the Manager, Kebbehalli Granite Quarry and based on the said report on 24-8-1994 the manager issued a memo calling for explanation but the first party refused to receive the same. Once again on 30-9-1994 as show cause notice was issued to the first party seeking his explanation that was again refused by him. Therefore on 19-12-1994 the first party was placed under suspension and enquiry was conducted against him and on the basis of the findings of the enquiry and considering the gravity of the misconduct his services were terminated *vide* Order dated 25-8-1995. The Management contended that enquiry was conducted duly observing all the procedural formalities and hence services of the first party were terminated after following all the procedures laid down under the Company's rules giving reasonable and fair opportunity to the first party to

defend himself and therefore, reference is liable to be dismissed.

4. Keeping in view the respective contentions of the parties with regard to the fairness and validity or otherwise of the enquiry proceedings, this tribunal by order dated 30-3-2004 framed the following Preliminary issue:

“Whether the DE conducted against the first party by the Second Party is Fair and proper?”

5. During the course of trial of the said issue the management examined the enquiry officer as MW1 and got marked five documents namely, the enquiry proceedings, enquiry report, dismissal order, show cause notice and the suspension order at Ex. M1 to M5, respectively. The first party also adduced his evidence and after hearing the learned counsels for the respective parties, this tribunal by order dated 20-1-2006 recorded a finding to the effect that the enquiry held against the first party is not fair and proper and the matter came to be posted to hear the case on merits.

6. Learned counsel for the management in his arguments made just one submission stating that the first party should be denied back wages for the period he litigated before the Third Additional Labour Court, Bangalore for the period from the date of removal from his service to the date of the dispute raised before the proper forum resulting into the present reference.

7. Whereas, the learned counsel for the first party argued that the proceedings of enquiry held against the first party since have been held to be not fair and proper, the findings of the enquiry holding him guilty of the charges go away and so also the order passed by the disciplinary authority removing him from service does not survive any more. He submitted that since the charges of misconduct namely, the refusal of memo and show cause notice issued by the management based on which alleged enquiry was conducted have not been proved by the management before this tribunal after the Domestic Enquiry set aside, it goes without saying that the first party is not guilty of the charges of any misconduct and therefore, punishment order is liable to be set aside and he must be reinstated in service along with all consequential benefits. His next contention was that the first party being illiterate person not knowing as to where he must challenge his order of termination, approached the Third Additional Labour Court, Bangalore by raising a dispute in ID No. 144/95 and it is in the first week of December 2001, then he came to know that the said Labour Court has no jurisdiction in deciding the matter and therefore, he withdrew the said dispute under the permission of the said court to approach the proper forum. Learned counsel submitted that the period of litigation between the year 1995 to 2001 spent by the first party before the said Labour Court cannot be excluded for the purpose of awarding him back wages as the first party

did not know the position of law and proper forum to approach for redressal of his rights against the management. He also submitted that the order removing the first party from his service was not only bad in law but against the utter violation or principles of natural justice in as much as no charge sheet was issued against the first party not the Domestic Enquiry was conducted against him securing his presence in the course of enquiry. He submitted that as per the case of the management enquiry was conducted against the first party for refusal of the show cause notice and the memo issued to him for his alleged absence from duty and the enquiry report at Ex. M2 submitted by the management disclosed that the enquiry officer had proposed the punishment of reduction of one annual increment with a warning memo but the Disciplinary Authority very strangely passed punishment order on 24-8-1995 based on the said enquiry report and removed the first party from service therefore, without passing any speaking order and giving an opportunity of hearing to the first party on the enquiry findings or on the proposed punishment of termination of his services. Therefore, learned counsel submitted that it is in this view of the matter a poor first party workman already handicapped loosing his left forearm may not be denied back wages for the period he litigated before the wrong forum.

8. After having gone through the records, in the first instance I must record a finding to the effect that the charges of misconduct of whatsoever in nature have not been proved against the first party. As could be seen from the records referred to supra and the stand taken by the management, enquiry was held against the first party since he refused to receive the memo and the show cause notice with regard to his alleged absence from duty from 1-8-1994 to 12-8-1994. The enquiry report at Ex. M2 already referred to supra as noted above, holding the workman guilty of the charges recommended reduction of one increment with warning memo but as contended for the first party he was removed from service by the termination order at Ex. M3 followed by removal order at Ex. W1 without affording any opportunity of hearing to him either on enquiry findings or on proposed punishment in any manner. Therefore, first of all on the basis of the above said enquiry report, the management could not have terminated the services of the first party keeping in view the nature of the misconduct and period of his alleged absence from duty and secondly, the above said termination order at Ex. M3 followed by Ex. W1 is not a speaking order absolutely having no reference or discussion with regard to the finding of the enquiry and with regard to the conclusion arrived by the Disciplinary Authority to hold the first party guilty of the charges. As noted above, even otherwise the Domestic Enquiry proceedings held against the first party have been set aside and the management for the reasons best known to it, did not lead any fresh evidence before this tribunal to prove the charges of misconduct leveled against the first

party. Now, therefore, in the light of the above, the only conclusion to be drawn by this tribunal would be that the first party committed no misconduct so as to invite any punishment much less termination of his services. Now, therefore, it goes without saying that the order of termination of the services of the first party is illegal and *void ab initio*. In the result the natural corollary would be his reinstatement in service.

9. Coming to the relief of back wages, there is no evidence produced by the management that the first party has been gainfully employed during the period he was away from the services of the management. It is again on record that the first party has been handicapped having lost his left forearm that too during the course of his employment itself. Now, therefore, in the normal course the first party must be awarded full back wages from the date of removal from service to the date he is reinstated. However, as noted above, the first party in challenging his termination order in the first instance approached the Labour Court, Bangalore by filing an application registered as ID No. 144/95. It is his case that in the month of December 2001 he could realise that he was litigating in the wrong forum and therefore, withdrew his application under the permission of this court to approach the proper forum.

10. The learned counsel for the management, therefore, wanted to exclude the above said period for the purpose of back wages and whereas, learned counsel for the first party wanted to consider the above said period also for the grant of the back wages as the first party being an illiterate and handicapped approached the wrong forum. It was rightly argued for the management that for the period he consumed before the labour court, it cannot be burdened with back wages as management is not responsible for the act of the first party in approaching the wrong forum. It is now well settled principle of law that nobody can plead ignorance of law of the land. Therefore, the first party having approached the wrong forum must blame for himself. In the result ignoring the period of litigation from the year January 1995 to December 2001, the first party must be awarded full back wages from the date of his removal from service to the date of reinstatement with all other consequential benefits including the continuity of service. Hence the following Award.

AWARD

The management is directed to reinstate the first party workman in service with full back wages from the date of his removal from service till the date of his reinstatement excluding the period from 1st January, 1995 till December 2001 with all consequential benefits including the continuity of service. No costs.

(Dictated to PA transcribed by her corrected and signed by me on 10th April, 2006).

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 25 अप्रैल, 2006

का. आ. 2002.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकारण, गोदावरीखनी के पंचाट (संदर्भ संख्या 137/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-04-2006 को प्राप्त हुआ था।

[सं. एल-22013/1/2006-आई आर (सी-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 25th April, 2006

S.O. 2002.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 137/2004) of the Industrial Tribunal Godavarikhani as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on 24-04-2006.

[No. L-22013/1/2006-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL— CUM-LABOUR COURT, GODAVARIKHANI

PRESENT: Smt. T. Rajani, M.A., B.L.,
I Addl. Dist. & Sessions Judge,
Karimnagar in FAC of Chairman

Friday : the 24th day of March, 2006.

INDUSTRIAL DISPUTE NO. 137 OF 2004.

Between:—

Basani Rajaiah,, S/o, Jakkaiyah
Age 48 years, Occ. Coal Filler,
R/o. Ambedpali (M) Mahadevpur,
Dist. Karimnagar, A.P. ...Petitioner.

AND

1. The Colliery Manager,
II-A Incline, Godavarikhani.
2. The General Manager,
S.C. Company Ltd., RG-I, Ramagundam,
Godavarikhani.
3. The Managing Director,
S.C. Company Ltd.,
Kothagudem, Dist. Khammam ...Respondents.

This Petition coming before me for final hearing in the presence of Sri. S. Bhagavantha Rao, Advocate for the petitioner and of Sri D. Krishna Murthy, Advocate for the

respondents and having stood over for consideration till this date, the court passed the following :—

AWARD

This petition is filed U/Sec. 2-A(2) of I.D. Act, 1947. The brief facts of the case as per the petition are that the petitioner was appointed as an employee in Singareni Collieries Co.Ltd., in the year, 1978 as Badli Filler and has been discharging his duties to the satisfaction of his superiors. He was removed from service on 25-11-98 on the ground that he was absent during the period starting from January, 1997 to July 1997. A charge sheet was served, for which the petitioner submitted his explanation stating that his absence was due to "Tuberculosis", which he has been suffering from. A formal enquiry was conducted by the respondents' company. In pursuance of enquiry report, he was removed from service. The enquiry was conducted ex parte. The petitioner approached the 2nd respondent, but to no benefit. He also submitted an application, but the same was not considered. The petitioner has put-up a service of 20 years, without any blemish. His absence was only due to the reasons mentioned. Hence, he prayed that he may be reinstated into service with continuity of service, attendant benefits and full back-wages.

2. The 2nd respondent filed counter, which was adopted by the respondents 1 and 3. The averments of the petition were denied. It was further contended that the petition is liable to be dismissed, as it was not filed through proper channel i.e., through conciliation procedure as required by the I.D. Act. The appropriate Government for Coal Mining Industry is Central Government and hence, the State Amendment Act is not applicable to the respondents company. Regarding the service of the petitioner, it was submitted that the petitioner worked 28 days in the year, 1994, 7 days in the year, 1996, one day in the year, 1997 and did not attend a single day in the year, 1998. This shows that he was a habitual and chronic absentee. During the enquiry, the petitioner did not attend the same inspite of a notice being served at the address furnished by him and the publication may in "Vertha Daily Newspaper" Hence, the enquiry was conducted as required by rules and is valid. The respondents company is doing business of wining and selling of coal, by employing 90,000 persons. If the employees habitually absent, the production targets will not be achieved; resulting in huge losses to the company. Hence, the absenteeism of the employees is incorporated as mis-conduct in the Standing Orders. The petitioner never approached the respondents' company for reinstatement. The contention that he was a Tuberculosis patient is not well merited and the same was not represented to the company at any time. Hence, the petition is liable to be dismissed.

3. On behalf of the petitioner, Ex.W-1 was marked, and Ex.M-1 to Ex.M-9 were marked on behalf of the respondents.

4. The points for consideration now before this Court are :—

1. Whether the domestic enquiry is valid.
2. Whether the petitioner can be reinstated into service as prayed for.

5. 1st point :—The petitioner filed a Memo not questioning the validity of the domestic enquiry. Hence, this point is answered accordingly.

6. 2nd point :—The charges framed against the petitioner are as follows :—

“It is noticed from the office records that you remained absent on the dates as detailed below during the year 1997 without sanctioned leave of sufficient cause”.

Month/Year	Absent dates
January, 97	: 1st to 31st
February, 97	: 1st to 28th
March, 97	: 1st to 31st
April, 97	: 1st to 22nd
May, 97	: 6th to 16th, 22nd to 30th
June, 97	: 12th to 30th
July, 97	: 1st to 31st.

2. “You have put-in only one muster during 1997”.

3. “The above record indicates that you are in the habit of absenting from work.”

4. “The above act of your amounts to mis-conduct under the Company’s Standing Orders 25(25) ”.

7. The petitioner was stated to be absent in the 1st 7 months of the year, 1997. It was also contended that the petitioner has been absent un-authorisedly on earlier occasions also. But there is no evidence to show that the respondents company have taken the said absence into serious consideration, as admittedly not even a Memo was served on the petitioner, questioning the un-authorised absence. Hence, from the above, it can be understood that the respondents have a major share in the guilt of the petitioner. The petitioner did not deny the fact of his absent, but his contention is that he has been suffering from Tuberculosis. But, he did not try to adduce any evidence to establish the same, atleast before this court. He did not even respond to the notice issued by the enquiry officer and the publication made in “Vaartha Paper” nor did submit his explanation. Hence, it can be concluded that the reasons put-forth by the petitioner for his absence are not genuine. But, however, the expectations of the petitioner seems to have been increased by the attitude of the management in not taking any action for his absenteism on the earlier occasions. Hence, a sudden action of removal

form service dis-proportionate to the expectations of the petitioner for the absence in question.

8. Therefore, considering the above things, this court concludes that the removal of the petitioner from service is dis-proportionate to the alleged mis-conduct. Reinstatement of the petitioner without back-wages is not considered as sufficient, as it can be inferred from the behaviour of the petitioner that he is not bothered about losing the wages. Hence, the respondents are directed to reinstate the petitioner into service with continuity of service, but without any back-wages and by with-holding one annual increment with the effect of postponing his future increments.

In the result, the petition is partly allowed, the removal order dt. 20-11-1998 is set-aside and the respondents are directed to reinstate the petitioner into service without any back-wages, but with continuity of service without any back-wages, but with continuity of service and by withholding one annual increment with the effect of postponing his future increments.

Typed to my dictation, corrected and pronounced by me in the open court on this, the 24th day of March, 2006.

T. RAJANI, Chairman

Appendix of Evidence

Witnesses Examined

For the workman :— —NIL—

For the Management:— —NIL—

Exhibits

For Petitioner :—

Ex.W-1 Dt. 20-11-1998 Dismissal Order

For Management :—

Ex.M-1 Dt. 29-1-1998 Charge Sheet

Ex.M-2 26-2-98 Postal returned cover with ack.,

Ex.M-3 23-4-98 Postal returned cover with ack.,

Ex.M-4 13-8-98 Telugu daily Vaartha News Paper publication of charge sheet-cum-enquiry notice

Ex.M-5 15-9-98 Enquiry Proceedings

Ex.M-6 22-9-1998 Enquiry report

Ex.M-7 21-10-98 Show cause notice issued to petitioner

Ex.M-8 6-11-98 Ack.,

Ex.M-9 21-11-1998 Dismissal Order.

नई दिल्ली, 25 अप्रैल, 2006

का. आ. 2003.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, गोदावरीखनी के पंचाट (संदर्भ संख्या 148/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-4-2006 को प्राप्त हुआ था।

[सं. एल-22013/1/2006-आई आर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 25th April, 2006

S.O. 2003.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 148/2004) of the Industrial Tribunal, Godavarkhani as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on 24-4-2006.

[No. L-22013/1/2006-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL— CUM-LABOUR COURT, GODAVARIKHANI

Present:—Smt. T. Rajani, M.A., B.L.,
I Addl. Distt. & Sessions Judge,
Karimnagar in FAC of Chairman

Saturday : The 1st Day of April, 2006.

Industrial Dispute No. 148 of 2004.

Between :—

M.Komaraiah, E.C. No. 2639457,
Ex.Coal Filler, RK-5 Incline,
S/o. Rayamallu, 36 years,
R/o. H.No. 19-476, Tarakarama Colony,
Ramakrishnapur, Mdl. Mandamarri,
Dist. Adilabad, (A.P.).

...Petitioner

And

1. The General Manager,
S.C. Co. Ltd., Srirampur Area,
Srirampur, Dist. Adilabad, A.P.,
2. The General Manager,
S.C. Co. Ltd., Mandamarri, Dist. Adilabad, A.P.
3. The Superintendent of Mines,
S.C. Co. Ltd., RK-5 Incline,
Ramakrishnapur, Dist. Adilabad, A.P.
4. The Colliery Manager,
S.C. Co. Ltd., KK-5A Incline,
Mandamarri, Dist. Adilabad A.P.,

...Respondents

This Petition coming before me for final hearing in the presence of Sri B. Shantan Kumar, Advocate for the petitioner and of Sri D. Krishna Murthy, Advocate for the respondents and having stood over for consideration till this date, the court passed the following :—

AWARD

This petition is filed U/Sec. 2-A(2) of I.D., Act, 1947. The brief averments of the petition are that the petitioner was appointed as Badli Filler by the respondents' company under the dependent employment Scheme, in place of his father. He was promoted as Coal Filler and he has been working to the satisfaction of one and all. During the year, 1998, he put-up 208 physical musters, but chargesheet dt. 12-2-98 was issued alleging his previous absenteeism. During the previous year of 1997, the petitioner suffered from Jaundice and was compelled to undergo treatment in the S.C.C.Ltd., Hospital and private hospitals.

As such, his musters roll short of the required 100 musters for the year, 1997. He submitted medical certificates to the 3rd respondent's authority and he was taken to duty. He improved his attendance and put-up 208 physical musters during the year, 1998, which shows his integrity. There is sufficient cause for the alleged absence of the petitioner during the previous years and hence, it cannot be termed as misconduct. A domestic enquiry was conducted farcically. The petitioner improved his attendance even prior to his dismissal from service. Hence, it shows that he was unfairly victimised. The punishment of dismissal from service is shockingly disproportionate. As per the settlement, he was taken as Badli Filler by virtue of order dt. 28-6-2001. But he met with mine accident and sustained previous leg injuries. He underwent surgery and prolonged treatment in the S.C. Co. Ltd., Hospital. Therefore, as prayed that he may be reinstated into service with continuity of service, backwages and consequential benefits.

2. The 1st respondent filed counter, which was adopted by the respondents 2 to 4, denying the averments of the petition in a general manner. It is contended that this petition is not maintainable U/Sec. 2-A(2) of I.D. Act., 1947. The respondent's company is doing business of winning and selling the coal. Section 2-A(2) of I.D., Act is not applicable to the respondents company as the appropriate Government for Coal Mining Industry is the Central Government. Hence, the petition is not maintainable before this court.

The petitioner put-up 330 days of attendance during the year, 1997 and was chargesheeted for habitual absenteeism. He attended the domestic enquiry conducted on 21-3-98 and admitted the charge. He was given full opportunity in the enquiry. Hence, the same cannot be questioned as invalid. As the performance of the petitioner is not encouraging, his explanation was not considered and his services were terminated *vide* lr. dt.

9-12-98. In pursuance of the settlement dt. 21-2-2000, the petitioner was appointed as Badli Filler for a period of one year. His services shall be automatically terminated on completing 12 months from the date of appointment. Hence, his services were terminated on expiry of 12 months *vide* order dt. 28-6-2001. He put-in only 904 musters against the required 190 musters during the temporary period of 12 months. If the employees habitually abstain, the targets will not be achieved. Hence, the petition is liable to be dismissed.

3. During the course of enquiry before this court, Ex. W-1 to W-27 were marked on behalf of the petitioner and Ex. M-1 to Ex. M-18 were marked on behalf of the respondents.

4. Now the points for consideration before this Court are :—

1. Whether the petition is maintainable U/Sec. 2-A(2) of I.D. Act.
2. Whether the domestic enquiry is valid.
3. Whether the petitioner is entitled for reinstatement into service as prayed for.

5. **1st points**—The Advocate for the petitioner argued that Section 2-A(2) is applicable to the workman working in Coal Industry also and this petition is maintainable before this court. He cited rulings, as under :—

1. 2003 (2) ALT-470 between I.L. Naidu and others *Vrs.* Union of India others.

“Their Lordships held that the contention that Sec. 2A(2) of I.D. Act is not applicable to a Government of India undertaking is wholly misconceived. It is not limited to the “State Industries”. The provisions of Sec. 2-A(2) having received the assent of the President, the workman of Central Government Industry also can raise the dispute Sec. 2-A(2) of I.D. Act. Therefore, the contention of the respondents company is without merit or force”.

2. 1998 (5) ALD-16 D.B., between U. Chinnappa *Vs.* Cotton Corporation of India and others. in this case, their Lordships held that there is no warrant to restrict the scope and amplitude of the *vide* phraseology “any workman” of Sec. 2-A (2) to the employees working in State Government Industries. It is also applicable to the employees of Central Government Industries and the Industries carried-on under the authority of the Central Government.

From the discussion made by the Hon’ble High Court in the above cited decisions, this court concludes that Sec. 2-A(2) is applicable to the employees working in Central

Government Industrial also and consequently this petition is maintainable before this court. Hence, this point is answered accordingly.

6. **2nd point** :—Though the validity of the domestic enquiry was questioned in the petition, the same was not questioned seriously, during the course of hearing. Moreover, a perusal of the enquiry record shows that the petitioner was given fair opportunity to participate in the enquiry. He also submitted his statement. Hence, it is held that the domestic enquiry conducted by the respondents is valid. The point is answered accordingly.

7. **3rd point** :—It is the case of the respondents company that this petitioner has been a regular absentee and that he was also appointed on trial basis for 12 months; as per the settlement dated 24-2-2000. A perusal of the said settlement which was marked as Ex. M-7 shows that there was a general agreement in between the parties, in respect of several other demands, which included reinstatement of employees who were terminated on the ground of absenteeism. Hence, it cannot be said that the management has considered the case of this petitioner specially, in reinstating him. The factors which prompted the management for entering into the said settlement may be several.

It is the case of the petitioner that during the previous year, 1997, he suffered from ill-health and took treatment in S.C. Co. Ltd., Hospitals and other hospitals. He improved his attendance during the year, 1998 and put-up 208 physical musters. During the year, 2000, he met with mine accident and underwent surgery in the S.C. Co. Ltd., Hospital. Hence, there is sufficient cause for the absence of the petitioner. The petitioner also filed some documents pertaining to his treatment. Ex. W-2, W-7 to W-25 are the medical certificates issued by the S.C. Co. Ltd., Hospitals. Out of them, Ex. W-18 is the discharge card of S.C. Co. Ltd., Hospital which shows that the petitioner was admitted as in patient for about one month. Hence, the contention of the petitioner that he was absent from duty to ill-health cannot be outrightly dismissed. Therefore, considering the above things, this court concludes that the dismissal of the petitioner from service is dis-proportionate to the alleged misconduct. But, the past record of the petitioner shows that he has been absenting himself for several days and that he was not bothered about losing his wages. hence, in Order to see that the petitioner would mend his ways, this court is inclined to order withholding two increments with the effect of postponing future increments, apart from depriving losing of the back wages. Hence, the respondents are directed to reinstate the petitioner into service with continuity of service, but without backwages and by withholding two annual increments with the effect of postponing his future increments.

In the result, the petition is partly allowed and the impugned orders dt. 5-11-1998 and 19-10-2002 passed by

the respondents company are set-aside. The respondents are directed to re-instate the petitioner into service as Coal Filler with continuity of service, but without back-wages and by with-holding two annual increments with the effect of postponing his future increments.

Typed to my dictation, corrected and pronounced by me in the open court on this, the 1st day of April, 2006.

T. RAJANI, I Addl. Dist. & Session Judge,
Karimnagar in FAC of Chairman-cum
Presiding Officer,

Appendix of Evidence

Witnesses Examined

For Workman :— Nil

For Management :— Nil

Exhibits

For Workman :—

Ex.W-1	Dt. 27-2-1993	Appointment Order
Ex.W-2	31-10-97	Fitness Certificate, X-copy.
Ex.W-3	9-3-98	Reply to charge sheet
Ex.W-4	—	Pay slip for the month of December, 1998, X-copy.
Ex.W-5	5-11-98 9-12-98	Dismissal Order, X-Copy.
Ex.W-6	20-10-2001	Appointment order as Badli Filler
Ex.W-7	27-12-2001	SCCL Hospital O.P. Slip of petitioner
Ex.W-8	3-1-2002	-do-
Ex.W-9	21-1-02	-do-
Ex.W-10	17-1-02	-do-
Ex.W-11	19-1-02	-do-
Ex.W-12	30-1-02	-do-
Ex.W-13	-do-	-do-
Ex.W-14	5-2-02	-do-
Ex.W-15	9-2-02	-do-
Ex.W-16	22-2-02	-do-
Ex.W-17	10-5-02	Fit. certificate issued by medical officer, X-copy.
Ex.W-18	23-2-02	Discharged Card
Ex.W-19	18-05-02	SCCL Hospital O.P. Slip
Ex.W-20	30-5-02	-do-
Ex.W-21	11-6-02	-do-
Ex.W-22	25-6-02	-do-
Ex.W-23	7-9-02	-do-

Ex.W-24	5-10-02	-do-
Ex.W-25	27-12-02	SCCL Hospital O.P. slip of petitioner.
Ex.W-26	—	Pay slip for the month of August, 2002.

Ex.W-27 10-10-2002 Office Order, X-copy.

For Management :—

Ex.M-1	Dt. 12-2-1998	Charge sheet alongwith ack.
Ex.M-2	21-3-1998	Enquiry proceedings
Ex.M-3	-do-	Enquiry Report
Ex.M-4	12-10-98	Ack. to show cause notice
Ex.M-5	15-10-98	Representation of petitioner
Ex.M-6	5-11-98 9-12-98	Dismissal Order

Ex.M-7	24-2-2000	Memorandum of settlement
Ex.M-8	28-6-2001	Office Order appointing the petitioner temporarily for 12 months trial period, X-copy.

नई दिल्ली, 26 अप्रैल, 2006

का. आ. 2004.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. 1, धनबाद के पंचाट (संदर्भ संख्या 225/90) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-4-2006 को प्राप्त हुआ था।

[सं. एल-12012/184/90-आई आर (बी-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 26th April, 2006

S.O. 2004.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 225/90) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 25-4-2006.

[No. L-12012/184/90-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. I,
DHANBAD**

In the matter of a reference U/s. 10(1)(d) of the
Industrial Disputes Act, 1947.

Reference No. 225 of 1990

PARTIES: Employers in
relation to the management of
Central Bank of India.

AND

Their Workman.

PRESENT : Shri Sarju Prasad, Presiding Officer.

APPEARANCES:

For the Employers : Shri S. Paul, Advocate.

For the workman : Shri D. Mukherjee,
Advocate.

State : Bihar Industry : Bank

Dated, the 7th April, 2006

AWARD

1. By order No. L-12012/184/90-IR (B-II) dated 25-9-1990 the Central Government, in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the dismissal of Shri Umesh Chandra, Clerk, Central Bank of India, Saharsa, w.e.f. 25-11-87 is justified? If not, to what relief the workman is entitled?"

2. The case of the sponsoring union is that Umesh Chandra was appointed as clerk-cum-cashier in 1984 in Saharsa Branch of Central Bank of India, under Purnea Region of the Bank. According to the sponsoring union, the concerned workman, Umesh Chandra, was working very well, but on 11-8-86 the Branch Manager for his own selfishness started concocting evidence against him and ultimately a chargesheet was issued to the concerned workman in which there were charges regarding receipt of Rs. 3,000 on 4-8-86 for crediting in HSS A/C No. 6300 of Janardhan Khan which was not deposited by him till 16-8-86. There was another allegation of receiving illegal gratification of Rs. 3,100 from one Damru Bhagat for getting his loan sanctioned and issued a false Pass Book to him showing credit of Rs. 32000 and withdrawal of Rs. 2,000 to said Damru Bhagat. Besides that there was charge of leaving from duty and remaining absent from 16-8-86 to 1-9-86 without prior permission. According to the concerned workman, he has replied to the chargesheet refuting all the charges, but the management of Central Bank of India without conducting a fair and proper domestic enquiry has been pleased to dismiss him from service.

According to him, he has not committed any misconduct as alleged in the chargesheet and therefore his dismissal is bad in the eye of law.

3. The case of the management of Central Bank of India is that the concerned workman, Umesh Chandra, has committed a gross misconduct for which he was chargesheeted on 16-1-87. The charges were as follows:—

- (i) He mis-appropriated a sum of Rs.3,000 received from Vijay Kumar Khan on 4-8-86 for crediting in HSS A/C. 6300 of Janardhan Khan maintained in Saharsa Branch without accounting the money in the book of the Bank he issued a counter-foil of pay-in-slip No.208929 duly affixing Bank's Stamp and under his signature to Vijay Kumar Khan.
- (ii) He unauthorisedly prepared a Pass Book in respect of HSS A/C No. 9032 of Damru Bhagat issued under his signature.
- (iii) He accepted bribe/illegal gratification of Rs.3,100 in cash from Damru Bhagat with a promise to arrange a loan of Rs.32,000 from the branch of the Bank for opening a Kirana Shop.
- (iv) In order to make Damru Bhagat believe, he made a fictitious credit entry of Rs.32,000 in the duplicate Pass Book unauthorisedly prepared/issued by him. Another fictitious credit entry of Rs. 2,000 was also made by him.
- (v) He unauthorisedly remained absent from 18-8-86 to 9-12-86.

4. According to the management, the reply of the concerned workman was not satisfactory and as a matter of fact he has pleaded his guilt in writing, a domestic enquiry was held by the Regional Manager, Purnea Zone and on finding guilty he was dismissed from service.

5. The question of fairness of enquiry was taken up as preliminary issued and it appears that by order dated 22-6-94 the domestic enquiry was held to be not fair and proper. Thereafter the management was asked to adduce evidence in support of the action taken by the management.

6. The management was given ample opportunity but the management could not examine either Damru Bhagat or Janardhan Khan or his son, Vijay Kumar Khan who is said to have deposited Rs. 3,000 on 4-8-86.

The management has not brought on record either the fake Pass Book which was issued to said Damru Bhagat nor the management has been able to produce pay-in-slip counter-foil being No. 208929 to prove that he had received a sum of Rs. 3000 from Vijay Kumar Khan for crediting in the account of his father, Janardhan Khan.

However, management has examined two witnesses, namely, Narendra Kumar Singh (MW-2) and Subhas

Chandra Singh (MW-3) on merit, besides MW-1, Enquiry Officer, who has been examined at the time of preliminary point. MW-2-Narendra Kumar Singh, who was posted at Central Bank of India, as Dy. Manager, has supported the case of the management and has also stated that the concerned workman has given in writing regarding the allegation levelled against him. Similarly MW-3 -Subhas Chandra Singh, who was posted at Saharsa Branch of Central Bank of India, as A.F.O. from 1-9-83 to 26-5-88, has also supported the case of the management. The management has brought on record the written complaint made by Janardhan Khan. However, the management has not filed the alleged counter-foil issued to Vijay Kumar Khan, the son of Janardhan Khan, in token of receipt of a sum of Rs. 3,000/- on 4-8-86. Therefore, I find that the management's evidence regarding the charges levelled against the concerned workman suffers from infirmity in as much as that the management has not examined Damru Bhagat from whom the concerned workman is said to have received illegal gratification nor has filed the fake Pass Book which was issued to him. Similarly the management has not examined Vijay Kumar Khan or Janardhan Khan on whose behalf Vijay Kumar Khan deposited a sum of Rs. 3000 on 4-8-86 but the said amount was not credited to his account nor the management has produced pay-in-slip which was granted by the concerned workman to Vijay Kumar Khan. So far other charge is concerned it is regarding remaining absent without prior permission but for that the concerned workman has given some explanation that his nephew died and that he was suffering from illness etc. and for that charge capital punishment cannot be justified.

7. Keeping in view the infirmity in the evidence of the management and also keeping in view the established principle of law that in departmental proceeding standard of proof is not rigorous as that of criminal case, I think that the concerned workman shall be ordered to be reinstated in service with 25% back wages only which will probably meet the ends of justice.

8. In the result, I render following award—

The dismissal of Umesh Chandra, Clerk, Central Bank of India, Saharsa, w.e.f. 25-11-87 is not fully justified in view of the infirmity in the evidence of the management and he is entitled for reinstatement in service with 25% back wages, but for the purpose of retiral benefit the same shall be considered as continuous service. Therefore, the management is directed to reinstate him in service with 25% back wages but without consequential benefits within 30 days from the date of publication of the award.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 26 अप्रैल, 2006

का. आ. 2005.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हिन्दुस्तान

प्रीफेब लिमिटेड, दिल्ली के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 49/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-04-2006 को प्राप्त हुआ था।

[सं. एल-42012/146/98-आई आर (डी यू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 26th April, 2006

S.O. 2005.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 49/99) of the Central Government Industrial Tribunal-cum-Labour Court, No.II, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Hindustan Prefab Limited, Delhi and their workman, which was received by the Central Government on 26-04-2006.

[No. L-42012/146/98-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

I.D. No. 49/1999

R. N. RAI : Presiding Officer

IN THE MATTER OF:—

Shri Rishi Pal,
S/o. Shri Narain Singh,
T-41, J. Sarai Kalekhan,
Nr. Vedhmandir, Nizamuddin,
New Delhi - 13.

Versus

The Assistant Manager (P&A),
Hindustan Prefab Limited,
Jangpura, Delhi-14.

AWARD

The Ministry of Labour by its letter No. L-42012/146/98/IR(DU) Central Government Dt. 04-02-1999 has referred the following point for adjudication.

The point runs as hereunder:—

“Whether the action of management of M/s. Hindustan Prefab Limited through Managing Director, Jungpura, New Delhi in stopping the services of Shri Rishi Pal, Laboratory Assistant is legal and justified? If not, to what relief the workman is entitled ?”

The workman applicant has filed statement of claim. In the statement of claim it has been stated that M/s. Hindustan Prefab Limited is a Government of India Enterprise. Its main activities are construction of low-cost housing and buildings. It has in its employment so many engineering hands, besides other staff to assist and to carry on building activities spread all over India. Besides the building activity, it is also engaged in the construction of concrete railway sleepers, pillars etc. and it has a monopoly in this line, as practically the total requirement of the Government and the Government undertaking Departments are met by the management.

That the building activity of the management as submitted above is spread over all India basis. The services of all its employees who were appointed on adhoc or on regular basis or on temporary basis are transferable to all over India, wherever the management has its work/construction activity or it takes new assignment/work/construction activities etc. Besides the commercial activities referred to above the management has its big manufacturing factory at Jungpura, New Delhi. The head office of the management is also situated at Jungpura, New Delhi where its factory are also situated. At present it has so many construction work, assignments regarding construction of big housing complexes, roads, boundaries, fly overs and bridges, etc. The Chairman cum Managing Director of the management company has the power to sanction new posts staff engineers etc. and appoint them on regular adhoc or temporary basis or contract basis. Thus, the management is engaged in the regular business of construction of buildings reoads, railway sleepers, poles and so it needs sufficient staff for execution of its activities on regular basis, spread all over India in different places. The management appoints the staff on regular or temporary or adhoc basis but it is also indulging in unfair labour practice just like private employers. It engages staff on contract basis, just to avoid giving regular pay scales, besides other benefits and to avoid giving regular pay scales, besides other benefits and facilities which are given to regular employees in course of their business. The management takes work of regular employees from the persons, who are employed by them on adhoc basis or on temporary basis or on contract basis and still it does not pay them pay scale of regular hands employed in its organization/factory. They are just paid the minimum rate fixed by the government. In this way the management is indulging in unfair labour practice for its ulterior motives and has failed to appoint the workers/staff concerned on regular basis even though the vacancies occur on regular and permanent basis and for accomplishment of its multifarious activities/jobs, it needs the services on regular basis and it has the sanction/power to appoint them on regular basis.

That the management is very much indulging in unfair labour practice and in the process, victimising and harassing the staff/workers who are employed by it on

temporary/adhoc basis or contract basis, despite various directives and judgments of the Hon'ble Supreme Court of India in this regard, which is very clear and specific.

That the workman is a Science Graduate. The workman has done graduation in the year 1985 from Delhi University. The workman has secured high second divison. The workman Shri Rishi Pal joined into the employment of the management w.e.f. 21-05-1985 as Lab Assistant on a consolidated salary of Rs.555 per month on adhoc basis at its head office at Jungpura. The workman is not in possession of the appointment letter at present. The sanction accorded for appointment of the workman on adhoc basis vide letter dated 21-05-1985 was further extended up to 21-08-1985 vide letter of the management dated 19-07-1985. However, to the great surprise and shock of the workman, the services of the workman were arbitrarily and illegally terminated from 06-08-1985 without assigning any valid reason whatsoever, in clear contravention of the sanction which had been extended up to 21-08-1985, though the work and conduct of the workman on the aforesaid post was highly appreciated and it was up to the mark, and the management was very much satisfied with the work and performance of the workman. It is submitted that the workman had been throughout this period employed in the factory cum office of the management situated at Jungpura as a Lab. Assistant. The nature of the job of the workman was material testing, which is used in the manufacture of railway sleepers, electric poles etc. The job on which the workman had been appointed by the management was a regular job and still the services of the workman were arbitrarily terminated w.e.f. 06-08-1985 without any prior notice and without any show cause notice.

That the workman represented to the management against his termination of services. The management ultimately appointed the workman as Lab. Assistant on 01-03-1986 at Rohini Site, Delhi on temporary basis on a consolidated salary of Rs. 760 per month. The management has been given contract of constructing double storeyed flats at Rohini by DDA. The workman had been performing the duties of a Lab. Assistant right from the beginning and his work was highly appreciated and found up to the mark. The workman had been appointed at the site of Rohini on 01-03-1986 and was in the continuous employment at the said site till his services were arbitrarily and illegally terminated on 23-11-1988, without any prior notice and without any show cause notice. There was absolutely no complaint against the work and conduct of the workman. The management was fully satisfied with the work, conduct and the performance of the workman throughout and still his services were arbitrarily and abruptly terminated on 23-11-1988. Since the workman was in the continuous employment, no letter of extension etc. was given to him during the aforesaid period. The workman was not given any annual increment during the aforesaid period nor he was given leave facilities and other benefits which were/

are given to regular laboratory assistant, employed by the management. The workman was paid the bare minimum wages fixed by Delhi Administration during all these years and was denied the criteria for Equal pay for Equal Work.

That the basis of termination of the services of the workman w.e.f. 23-11-1988 was illegal and unjustified. The construction work continued at the site right up to 1990 and still the services of the workman were terminated arbitrarily w.e.f. 23-11-1988. The post on which the workman was employed remained vacant thereafter. Even the statutory dues, etc which were admissible and due to the workman to be paid, were not paid to him, nor he was paid a single penny in lieu of the earned leave/privileges leave earned by him right from 21-05-1985 till his services were terminated arbitrarily.

That the workman was not paid bonus and when it was announced by the management. The bonus is paid under the Bonus Act. It is statutory obligation on each employers to pay the Bonus. The Bonus is payable even in the case of financial loss to an establishment. Even in the case of loss, the minimum Bonus guaranteed under the Act is payable equal to one month's wages to every worker/employee. It is submitted that the Bonus was paid to regular employees as per the provisions of the Bonus Act and still it was not paid and denied to the workman, even in clear contravention of the Provisions of the aforesaid statute. The Hon'ble Supreme Court of India and the Hon'ble Divison bench of the Hon'ble High court have laid down that the employees employed on temporary or adhoc basis or on purely temporary basis are also entitled to the regular grades of those posts which are given to regular employees, along with other attending benefits, in case they form the same very duties/jobs. The workman as submitted above, had been performing the same duties which were being performed by the other regular Labouratory Assistans and still he was denied those regular pay scales and the annual increments and other benefits admissible to him under the rules. The workman was not paid any Bonus for the period from 21-05-1985 to 23-11-1988.

That the workman represented to the management vide his letter dated 19-12-1988 against his illegal and wrongful removal/termination of his services w.e.f. 23-11-1988. In the said representation the workman had also submitted to the management that the principle of last come first go has not been observed. It is pertinent to submit that the persons juniors to the workman had been retained in service while the services of the workman had been illegally and arbitrarily terminated. The termination of services of the workman was in clear contravention of the provisions of section 25F and Chapter 5A of the Industrial Dispute Act. Neither any seniority list nor any copy of the termination order dated 22-11-1988 was sent to the appropriate authorities, nor any seniority list was displayed on the notice board. Neither any notice pay nor the

compensation for his past services was sent along with the termination letter dated 22-11-1988. Thus the termination of the workman was totally against the provisions of the statute and the law laid down by the Hon'ble Supreme Court of India on this point. The notice pay and the compensation was required to be offered to the workman along with the termination letter which was not done. It is apparent on the face of the letter dated 23-11-1988. Since the order of termination of the services of the workman dated 22-11-1988 was against the law laid down by the Hon'ble Supreme Court of India and against the provisions of the statute, the workman was again reinstated by the management in service w.e.f. 02-01-1989. The workman was given the duty Again w.e.f. 02-01-1989. The wages of the workman were increased from Rs.896/- per month to Rs.1198/- per month w.e.f. 01-05-1989 as the Delhi Administration had revised the minimum wages of the Laboratory Assistant from 01-05-1989. Subsequently the workman was posted since 02-01-1989 at Indira Gandhi National Open University. The workman continued at the said site till 1991 when he was transferred to Andrews Ganj Site, New Delhi vide letter No. HPL/ESF/289 dated 31-10-1991. Subsequently the salary of the workman was increased proprotinately to Rs. 1329/- per month vide letter dated 09-12-1991 when the minimum rates were revised by the Delhi Administration. It was further increased to Rs. 1406/- per month vide letter dated 12-03-1992 again when the wages of the minimum rates were revised by Delhi Administration. The wages were again revised to Rs.1457/- per month vide letter dated 02-09-1992 when the minimum rates were revised by the Delhi Administration.

That the workman had been transferred to Andrews Ganj Site, New Delhi vide letter dated 31-10-1991. No time limit was mentioned in the said letter. From the said letter it was apparent that the workman would be continued in service as a Laboratory Assistant on regular basis. However, the workman was informed vide letter dated 13-10-1992 that the sanction is hereby granted for appointment for the workman on contract basis for a further period up to 31-03-1993. The original letter dated 31-10-1991 by which the workman had been transferred to Andrews Ganj site, New Delhi without fixing any time limit was takenback by the side incharge of the workman. However, a photocopy of the said letter was given to the workman. In the said photocopy letter a noting in the handwriting of the Incharge of the workman had been made. The said writing/hand-writing/Note reads: "We may extend his time up to 31-03-1993."

Thus, from above, it is apparent that the aforesaid endorsement was made on 13-10-1992, practically one year after the posting of the workman to Andrews Ganj Site. Thus, through the aforesaid device, the workman was again denied the regular pay scale and appointment on regular basis, as a measure of unfair labour practice. It is submitted

that there were regular vacancies of Lab Assistant at the establishment of the management.

It is further submitted that besides performing the duties of a Lab Assistant the workman was also performing the duties of receiving Cement, Steel etc. from the head office located at Jungura to IGNOU Site. At one stage his request had been submitted by the immediate boss of the workman to issue the Identity Card to the workman as he had to frequently visit the Head Office and receive the supplies of Cement etc. from the Head Office and to get the said supplies loaded in trucks and then to receive the same at the Site. However, the aforesaid letter had been forwarded to issue the Identity Card to the workman for the purpose mentioned above as he had to often come to Head Office to receive the supplies.

It is submitted that the workman was performing the aforesaid duties every now and then even when he was posted at the Andrews Ganj Site. The workman had been assured that he will be kept/absorbed on regular basis on a regular pay scale and he would be given the regular grades of a Lab Assistant. Therefore, the services of the workman were continued at Andrews Ganj Site even after 31-03-1993. No letter of extension was issued to the workman as the workman had been assured that he would be regularised in a regular pay scale etc. The aforesaid assurance was given to the workman right from 1991 to regularise him in a regular pay scale and to give him regular pay scale and to regularise him on the post of Lab Assistant. The said representation of the workman was duly recommended and forwarded by his immediate Boss. Because of the aforesaid representation and assurance to appoint him in a regular pay scale no time limit had been mentioned vide letter dated 31-10-1991 when the workman was transferred to Andrews Ganj Site. When the letter dated 13-10-1992 was issued to the workman, the workman had represented to the management that his case had already been forwarded and recommended to appoint him in a regular vacancy. The workman was again assured that his matter was already recommended by all the concerned and was pending before the learned Chairman cum Managing Director of the Management and that the workman would be appointed on a regular pay scale on regular basis. Subsequently thereafter, the workman was relieved from Andrews Ganj Site on 02-09-1994. The workman was fully assured that his transfer to Head Office had been done to absorb him on regular basis.

It is submitted that the workman had initially joined at the Head Office of the management in 1985 on the post of Lab Assistant. However, after transfer from Andrews Ganj Site, the workman joined his duty at the Head Office w.e.f. 03-09-1994. The workman was posted in Laboratory Department vide letter dated 03-09-1994 and he was asked to report for duty to AE (Laboratory) immediately. The workman accordingly reported for duty to AE (Laboratory) on 03-09-1994.

That the workman was posted in the Head Office w.e.f. 03-09-1994 as a Laboratory Assistant and was performing the same duties which were being performed by a regular Lab Assistant. As stated above, the workman was issued a letter dated 13-10-1992 by the management by which he was informed that sanction is hereby granted for his appointment as a Lab Assistant up to 31-03-1993. The case of the workman is that no time limit had been fixed in the case of the workman on his earlier appointment. The aforesaid letter had been issued with the ulterior motive just to again sack the workman as and when the management wants to sack him at their whims. The aforesaid sanction expired on 31-03-1993. However, the workman continued in service of the management as the workman was working on the job which existed on regular basis. However, again he was issued letter No. HPL/FSD/2529 dated 30-11-1994 by which his services were terminated w.e.f. 30-11-1994. From the mere perusal of the said letter, it is apparent that the aforesaid office order of the management is totally illegal, wrongful, malafide, arbitrary, null and void and against the statutory rules and regulations of the Industrial Disputes Act. The workman had put in more than 5 years and 11 months and still no gratuity was offered to the workman. The gratuity is payable under the Gratuity Act as well as under the service rules of the management establishment. Even the wages in lieu of the earned leave were neither paid nor offered to the workman. Therefore, the order of termination of the services was illegal, bad, unjust and malafide. The workman therefore represented against the aforesaid order of removal. The representation of the workman was accepted and the workman was again taken on duty on 04-01-1995. In the said letter, it was mentioned that the workman was being appointed on contract basis for a period of 6 months from the date of joining at the basic pay Rs. 1135/- plus all other allowances, admissible under the rules. Thus, for the first time the workman was offered the starting pay scale of a Laboratory Assistant by the management. The workman joined the duty on 04-01-1995 itself on the receipt of the aforesaid letter and he was posted at Indira Gandhi International Airport Site, New Delhi.

That the management being a Government of India Undertaking was required to issue a normal letter to regularise the services of the workman and to give him regular pay scale of a Lab Assistant along with other benefits. It is pertinent to submit that the case of the deponent as submitted earlier, had been recommended as long back as 30-05-1991 and still workman was not absorbed on a permanent basis. A number of petitions had been filed by the employees of various public sector undertakings/ workmen/labourers employed in different public sector enterprises, on contract basis and the Hon'ble Supreme Court of India had decided all those petitions through a judgement in May 1995 directing the public sector undertakings, etc. to discontinue the contract labour and

absorb as many as labourers as feasible as their direct employees. The Hon'ble Supreme Court of India observed that "man has to be focal point of development ... and that the economic growth is not to be measured only in terms of production and profits. It must be gauged primarily in terms of employment and the earnings of the people."

The Hon'ble Supreme Court of India further observed that the attitude adopted by the public sector undertaking was inconsistent with the need to reduce unemployment and the Government policy declared from time to time to give job to the un-employed.

That the services of the workman was submitted above, have been arbitrarily and illegally terminated *vide* impugned order dated 29-06-1995, the workman was being appointed for a period of 6 months w.e.f. 04-01-1995. However, his services have been terminated in clear contravention of the appointment letter dated 04-01-1995 by which he was appointed for a period of 6 months w.e.f. 04-01-1995. Thus his services were terminated before the expiry of the period of 6 months. Termination of services of the workman is against the mandatory provisions of Section 25F and Chapter V-A of the Industrial Disputes Act, 1947. Persons junior to the workman aforesaid were retained in service while the workman was thrown out of job. Shri Kamlesh Mukerjee appointed on contract basis on 18-04-1994 as Lab. Assistant working at Sonepur bazari Site. Shri Priya Raj Kumar Singh working at Dhanbad Site, Shri Daya Ram working at head quarter, all juniors to the workman are still in the employment of management. It is submitted that no amount was offered to the workman along with the notice of termination of his services by the management. Neither one month notice was given, nor the wages in lieu of the notice was given, nor any compensation etc. for the past services of the workman was given at any point of time. Even the gratuity due to the workman for the past services has not been offered to the workman. Neither the earned leave for the month of June, 1995 and the wages in lieu of the unavailed leave was offered to the workman. In fact no amount at all was offered along with the said order. Nor any amount has been offered to the workman till date. Therefore, the impugned order is totally illegal, wrongful, malafide, arbitrary, null and void, without authority, against law and against the principles of natural justice. Moreover it is discriminatory and against the provisions of Articles 14 and 26 of the Constitution of India besides being against the provisions of the ID Act, 1947.

That the order of termination of the workman from services was passed by Shri J.M. Alvi, Assistant Manager (P&A). In fact, Shri J.M. Alvi, had no power, authority and right to terminate the services of the workman.

Therefore, the order of termination of the services of the workman is illegal, bad, unjust and malafide. Therefore, the said order is liable to be aside and quashed on this ground as well, as it has no existence in the eyes of law. It amounts to unfair labour practice. Thereafter the workman submitted representation dated 15-07-1995 and 26-07-1995. The management has not at all replied to the aforesaid letters of the workman. However, the management realized its illegalities of the orders and sent a cheque for Rs. 4, 393.65 dated 10-10-1995 drawn on the State Bank of India, under its covering letter dated 18-10-1995. This itself is sufficient to show that the removal of the workman from service is illegal, bad, unjust and malafide. No amount was offered to the workman when his services were illegally and unlawfully terminated. The amount due to the workman has still not been paid. The workman has not got the aforesaid cheque encashed.

That the workman is entitled to be reinstated in service along with all other attending benefits. The workman is also entitled to be appointed on the regular pay scale from the day of his appointment and the seniority. The workman is also entitled to annual increments in pay and allowances, and subsequently revision in pay scale announced from time to time, along with usual allowances in the regular grade of the said post. Therefore, the management is liable to pay the entire arrears which may be payable by the management of the regular post in a proper pay scale along with other attending benefits to the workman, held by the management right from the date of his initial appointment. The management is also liable to give all other benefits including bonus, leave encashment, benefits which were being given to other similarly placed persons in its employment.

That even otherwise the impugned termination of services is violative of section 30 of the Delhi Shops and Establishments Act, 1954 and the rules made thereunder. It is also violative of section 25F, G & H of the ID Act, 1947 read with Rule 76, 77 and 78 of the Industrial Disputes Central Rules, 1957.

The management has filed written statement. In the written statement it has been stated that the workman Shri Rishi Pal has challenged the order dated 29-06-1995 passed by the management through Shri J.M. Alvi, Assistant Manager (P&A) terminating his services w.e.f. 30-6-1995. Further according to Shri Rishi Pal he is entitled to be reinstated in service along with all benefits accruing to him as is he was in service from the date of his initial appt. With the management. The answering management submits as under :

Save and except what is specifically admitted hereunder : each and every averment, submission forming

subject matter of the claim under reply, is wrong and therefore, denied. The true and correct facts are as under :

That the management, M/s. Hindustan Prefab Limited (HPL) is Government of India Enterprise under the Ministry of Urban Development & Poverty Aleviation, engaged in manufacture of PCC Electrical Poles, Railway Sleepers and Civil construction activities for various clients. It takes work at site for short/specific duration for a particular client on job/order contract basis. To execute such jobs, the employees are recruited for that particular site on temporary/adhoc/contract basis. Each employee is issued appointment letter and his services are governed by the terms and conditions stipulated therein. They are appointed for a particular site as mentioned in appointment letter and on completion of the work on the particular site, the services of the concerned workman deployed they are terminated in terms of letter of appointment. On completion of the job of the individual employee at the site for which he was employed there. As such the retrenchment compensation is paid. Whenever a new project is undertaken and if the workman approaches for engagement at the new site, he is taken for employment, at the new site everything remain as per the terms and conditions given in the new appointment letter issued to him.

In the instant case, Shri Rishi Pal moves an application received by the management on 17-12-1994, requesting for employment as Lab Assistant since he had worked earlier with the answering management his employment for IAAI site was considered and he was appointed for the post of Lab. Assistant on contract basis under section 2(oo) of the ID Act, 1947 on the terms and conditions as stipulated in appointment letter dated 04-01-1995 issued to him. His services were dispensed with w.e.f. 30-06-1995 in terms of his letter of appointment dated 04-01-1995. The termination is as per law. This order dated 30-06-1995 passed by the competent authority, Shri J.M. Alvi, Assistant Manager (P&A) is under challenge. After the termination of his services, Shri Rishi Pal raised an Industrial Dispute before the Conciliation Officer, Central Government, Curzon Road, New Delhi and the alleged dispute was referred for adjudication to the present Hon'ble Tribunal.

After the alleged termination, the workman had approached the Hon'ble Delhi High Court and challenged the order of termination in writ petition No. CWP 118/96 and an appeal LPA/272/96 and the Lordships of the Delhi High Court were pleased to dismiss the petition and the appeal.

In the instant case, prior to alleged termination Shri Rishi Pal had also worked with answering management from time to time on other various sites as per the terms

and conditions of appointment letter issued to him. His appointments were not contrary to law.

That with the above background the answering management submits parawise reply as under :

That with reference to para 1 of the statement of claim, it is respectfully submitted that the answering management is a Government of India Enterprise. The main activities being undertaken have been detailed in the opening paras in the written statement. However, it is a matter of record and the management shall reply on its true effect.

That the contents of para 2 are not correct hence denied. The terms and conditions are stipulated in the appointment letter of the individual employee, issued to him. The workman was also not denied appointment letter.

That with reference to para 3 under reply it is respectfully submitted that the management is not in any manner indulging in unfair labour practices as alleged or at all and the workman employed are not treated in the manner as alleged in this para under reply. It being a Government Enterprise, the rules and policies are framed by the Ministry of Urban Development and Poverty Elevation and implemented by the Company. The Company is having its head office at Jungpura, New Delhi with the services of the employees are taken on adhoc basis/contract basis/temporary basis on the sites for which an individual workman/employee is engaged. On the completion of the work at site for which the individual workman is engaged, his services in terms of appointment letter are either dispensed with on completion of the job at site, the services came to an end. Shri Rishi Pal is not an exception.

That the contents of para 4 are a matter of record. It is respectfully submitted that his period of appointment was extended from time to time and his services were dispensed with in terms of his appointment letters issued to him. It is denied that his services were arbitrarily or illegally terminated as alleged by him. The transfer of the workman and his working on contract basis and his extension of period of employment from time to time is a matter of record and that the management shall reply upon its true effect.

That the contents of para 5 are not correct and true and hence denied. The appointment of workman from time to time was made on his approaching the management for employment after his services were dispensed with. No objection was ever raised and the management shall reply upon concerned record. However, it is submitted that the workman was not in continuous employment with the answering management as submitted by him. The services of the workman were dispensed with in terms of the

appointment letter. The appointment of the workman at different sites from time to time is not denied. As such, the appointment dispensing with services suffered from ho-legal, infirmity or otherwise. It is not contrary to law applicable to the workman.

That with reference to para 6 & 7, it is respectfully submitted that the services of the workman were terminated in terms of the appointment letter. The legal dues accruing to him were not denied. Even otherwise, benefits accruing to the workman at the relevant time, in employment with the answering management were also never denied to the workman.

With reference to para 8 it is respectfully submitted that the contents of para 8 are not true and correct. The representation dated 19-12-1998 was disposed off in light of the policies of the management and in terms of appointment letter issued to the workman. It is a matter of record and the management shall reply upon its true effects. There has been no violation of any provision of any Act applicable to the workman. His termination suffers from no infirmity. The termination was effected as per law and the dues/compensation of any nature whatsoever arising out of termination were never denied but paid to him as per law. His transfer, if any, was *bonafide* and in terms of appointment letter depending upon the *bonafide* intentions of the answering management. The wages were increased from time to time were increased/fixed/refixed by the appropriate authority/Delhi Government. During the tenure of his services with the management, no objection about the non-payment of financial benefits/dues/employment/re-employment was ever raised by the workman as no such benefits were ever detailed by the answering management.

That with reference to the contents of para 9, it is respectfully submitted that the services of the workman were transferred as per law. The period of employment on contract basis or otherwise was extended from time to time in terms of appointment letter and then on the basis of the sanction of the management. His appointment being not on a regular basis, his services were governed as per the terms of the appointment letter issued to him and it was not within the competence of the management to treat him financially or otherwise at para with the workers employed on permanent/regular basis in the head office of the management or the employees who were sent for a particular site for the execution of the contracts entered with the different clients. The nature of work being performed by him was of Lab Assistant. The services were finally dispensed with or otherwise in accordance with the law applicable to him. That the contents of the para under reply are matter of record and the management shall rely upon its true effect.

That the contents of these paras are matter of record and the management shall rely upon its true effect. Further with respect to these paras, it is respectfully submitted that Shri Rishi Pal was employed on contract/adhoc basis from time to time and his services came to an end as a result of non-renewal of the contract from time to time. The workman also approached the Hon'ble Delhi High Court and both his writ petition and an appeal were dismissed by the Lordships of the Delhi High Court.

Shri Rishi Pal knowingly well that the job of Lab Assistant was temporary in nature and for various on going projects in connection with the maintenance of quality control. Shri Rishi Pal could have found regular job as he was a Science Graduate and had acquired experience in his field/line. NDC was issued to him for appearing in interview where ever required. No application was denied to him forwarded for employment elsewhere. It being a government organisation and there being a ban in the company on the direct recruitment since 19-05-1993 the employees can not be recruited on permanent basis. It has been referred for disinvestment by the Government of India and is contemplated for complete closure. Shri J.M. Alvi, Assistant Manager (P&A) has only communicated an order of termination of the competent authority. The workman being an employee on contract basis was covered by Section 2 (oo) (bb) of the ID Act, 1947 where his services were terminated by paying him all dis dues to non-renewal of the contract and as per applicable to him.

The workman applicant has filed rejoinder. In his rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard arguments from both the sides and perused the papers on the record.

It was submitted from the side of the workman that he has worked as Lab. Assistant on *adhoc* basis *vide* letter dated 21-5-1985. It was extended up to 21-08-1985. He has worked *vide* letter dated 21-05-1985 on *adhoc* basis up to 21-08-1985. His services were illegally terminated on 06-08-1985 without assigning any valid reason whatsoever in clear contravention of the sanction which has been extended up to 21-08-1985. His work was highly appreciated.

It was further submitted that he was again given *adhoc* appointment of Lab. Assistant on 01-03-1986 at Rohini site, Delhi on temporary basis on a consolidated salary of Rs. 760 per month. The management has been given contract of constructing double storeyed flats at

Rohini by DDA his services were terminated on 23-11-1988. The termination of his services was illegal.

It was submitted from the side of the management that the workman applicant was given *adhoc* appointment on scheme or projects. He was given *adhoc* appointment from 22-05-1985 to 5-8-1985. My attention was drawn to D-63 photocopy of the appointment letter. The word *adhoc* has specifically been mentioned in this letter. He has been paid compensation by letter B-65. By B-66 he was again given compensation of Rs. 1900. The workman has written letter B-67 in which he has stated that his services were terminated due to reduction in establishment. So the workman has admitted that he was working on *adhoc* basis on projects and Schemes and whenever there was no adequate work his services were terminated. The workman was again appointed on 03-02-1989 as Lab. Assistant on *adhoc* basis. This was his last working. The workman applicant has been given *adhoc* appointments on different sites of Projects. He has been paid retrenchment compensation when he worked for sufficient period.

It was further submitted that the workman has admitted in his cross-examination that his services were terminated from different projects. He has himself admitted in his cross-examination that he worked in different Project on *adhoc* basis.

It was again submitted that whenever work is available to the respondents on the Project of that Site he was engaged and when Project came to an end his *adhoc* appointment also came to an end. He has admitted in his cross-examination that he was paid retrenchment compensation and *adhoc* appointment letters have been issued to him. So he has no right of reinstatement.

It was submitted from the side of the workman that the Apex court has observed that man is focal point of appointment and economic growth is not to be measured only in terms of production and profits. Employment should not be reduced for the simple reason that Industry is not earning profit and it is not yielding good results. It has been held in number of cases that tenure appointment and *adhoc* appointment can be given on Projects and Schemes. Projects and Schemes are floated with a beneficial intention to provide employment to the needy for a short span of time. If fixed term appointment is taken to be regular or permanent appointment the Government will not make such endeavour to create Projects and Schemes for providing livelihood to the unemployed. The workman admittedly in the present case has been given two or three purely *adhoc* and fixed term appointment.

It was further submitted from the side of the workman that fixed term appointment should not be given in colourable exercise of power or with a *malafide* intention.

In that case the use of power stands vitiated. The workman has not established that he was given appointment in any establishment carrying on duties of a regular nature. The respondents get Projects and when Projects start a time bound employees are required for completion of the Project and when the Projects comes to an end the work automatically comes to an end. In such circumstances section 2 (oo) (bb) of the ID Act operates. A fixed term appointee cannot claim regularisation or reinstatement. The workman has been given *adhoc* appointment so it shall be deemed that the respondent has put it to the notice of the workman that he has been given appointment for special purpose and his services will come to an end when purpose is achieved.

It was submitted from the side of the workman that even on Projects and Schemes retrenchment compensation is payable in view of Section 25FFF and 25B. The workman has admitted in his cross-examination that he has been paid retrenchment compensation whenever the prescribed period exceeded. He was appointed for the last time on *adhoc* basis in IGI Project for construction of Multi Storeyed Building. His services were automatically terminated in view of the stipulation in the appointment letter. In case a period is stipulated in *adhoc* appointment letter the service comes to an end with efflux of time. His last appointment was also tenure appointment. The workman has been given tenure appointment every time for a specified time and his appointment terminated automatically with running out the stipulated time. There is no question of retrenchment compensation in such circumstance.

It was further submitted from the side of the management that whenever work will be available he will be engaged on Projects on *adhoc* basis. The workman applicant in the facts and circumstances of the case has no right of reinstatement with back wages. However, it is suggested that he should be engaged though on *adhoc* basis whenever there is a Project in view of Section 25H of the ID Act. 1947. He should be given benefit of re-employment in view of Section 25H of the ID Act, 1947. There is no merit in the claim of the workman.

The reference is replied thus.

The action of management of M/s. Hindustan Prefab Limited through Managing Director, Jungpura, New Delhi in stopping the services of Shri Rishi Pal, Laboratory Assistant is legal and justified. However, the management is directed to provide him work as and when new Projects are started though on *adhoc* basis. Award is given accordingly.

Date : 19-04-2006

R.N. RAI, Presiding Officer

नई दिल्ली, 26 अप्रैल, 2006

का. आ. 2006.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हेडवॉटर एण्ड स्टीम कैमिस्ट्री लैबोरेट्री ऑफ भारा एटोमिक रिसर्च सेन्टर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या—) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26/4/2006 को प्राप्त हुआ था।

[सं. एल-42012/46/91-आईआर(डी यू);
एल-42012/45/91-आई आर (डी यू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 26th April, 2006

S.O. 2006.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/ Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Headwater and Steam Chemistry Laboratory of Bhabha Atomic Research Centre and their workman, which was received by the Central Government on 26-04-2006.

[Nos. L-42012/46/91-IR(DU);
L-42012/45/91-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, CHENNAI-104

Monday, the 3rd day of April, 2006

PRESENT :

SELVIR. MALA, B. A., B. L.,

Industrial Tribunal

INDUSTRIAL DISPUTE NOS. 62 AND 63 OF 1992

(In the matter of dispute for adjudication Under Sec. 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the management of the Scientific Officer (SF), Headwater and Steam Chemistry Laboratory, Indira Gandhi Centre for Atomic Research, Kalpakkam-603102.)

In I. D. No. 62/92

Between

Shri V. Thiagarajan,
S/o Sh. Vankatesan,
Kunnathur Village,
Manamai Post, Kalpakkam-603102

And

The Scientific Officer (SF),
Headwater and Steam Chemistry Laboratory,
Indira Gandhi Centre for Atomic Research,
Kalpakkam-603102.

In I. D. No. 63/92

Shri P. Sukumar,
No. 19, 12th Avenue,
Kalpakkam-603102.

And

The Scientific Officer (SF),
Headwater and Steam Chemistry Laboratory,
Indira Gandhi Centre for Atomic Research,
Kalpakkam-603102.

REFERENCE: 1. Order No. L-42012/46/91-IR(DU) dated 16-7-92, Govt. of India, Ministry of Labour, New Delhi, in I. D. 62/92

2. Order No. L-42012/45/91-IR(DU dated 16-7-92, Govt. of India Ministry of Labour, New Delhi, in I. D. 63/92.

These Industrial Dispute after Remand coming on for final hearing on Monday, the 20th day of March, 2006, upon pursuing the Claim Statements, Counter Statements and all other material papers on record and upon hearing the arguments of Mr. Krishnasamy. Authorised Representative, appearing for the Petitioner Union and Mr. M. T. Arunan, Addl. Central Govt. Standing Counsel appearing for the Respondent/Management, and these disputes having stood over till this day for consideration, this Tribunal made the following

COMMON AWARD

The Govt. of India has referred the following issue for adjudication by this Tribunal:

“Whether the management of Headwater and Steam Chemistry Laboratory of Bhabha Atomic Research Centre situated in Indira Gandhi Centre for Atomic Research Campus is justified in terminating the services of Shri V. Thiagarajan w.e. f. 3-1-1989? If not, what relief he is entitled to?”

2. The main averments found in the Claim Statement of Petitioner in I. D. No. 62/92 are as follows :

The Petitioner was appointed on 4-3-1985 as Mazdoor (helper NMR Labour) in the respondent establishment. It is a unit of the Department of Atomic Energy. He was engaged for helping the scientific staff in water sampling and other related work, office works in stores, posts etc. and designated as labour assistant. The management refused employment w. e. f. 3-1-1989. The petitioner has served for nearly 4 years without any remarks. The service was continuous and without any interruption. He is a workman within the definition of sec. 2 (s) of I. D.

Act 1947. The contenting of the respondent that the petitioner was a petty contractor is not true. He was a workman in the respondent establishment. His sudden termination from service amounts to unfair labour practice. The petitioner was engaged in permanent nature of work and his termination without notice or reasonable cause and also without enquiry is illegal and in violation of the principles of natural justice. He has worked for more than 240 days in every year of the four years of service put in by him. His termination violates Sec. 25A and 25N of the I. D. Act, 1947. The petitioner may be reinstated with continuity of service, full backwages and all other attendant benefits.

3. The main averments found in the Counter statement of the Respondent in I. D. No. 62/92 are as follows :

The Petitioner was engaged by the officer in charge for certain odd jobs in the Respondent Laboratory as a petty contractor. The petitioner was paid wages for the work done, on hand receipt. Since the petitioner was not an employee the question of giving him notice and conducting an enquiry does not arise. The petitioner was not appointed as helper or NMR Labour and there is no provision to regularise the services of the petitioner. He is not a workman U/s 2(s) of the I. D. Act 1947. No termination order was passed against the petitioner and it cannot be termed as unfair labour practice. The petitioner was not engaged in any regular job as alleged in the claim statement. Muster roll was maintained only for the purpose of marking the petitioner's attendance to regulate his wages for the work done. Since the petitioner was engaged as and when necessary, there was no necessity to serve notice on the petitioner. There is no violation of Sec. 25A and 25N of I. D. Act 1947. As the petitioner was not an employee of the respondent establishment the question of termination of service does not arise. The respondent is not an industry and the provisions of I. D. Act is not applicable to the respondent. The Ministry of Labour, New Delhi clarified in letter No. L-430112(s) 85-DU dt. 13-11-93 that Bhabha Atomic Research Centre in which the Headwater and Steam Chemistry Laboratory of the respondent herein is functioning is not an industry. Therefore, the claim of the petitioner may be dismissed.

4. The point for consideration is : Whether the management of Headwater and Steam Chemistry Laboratory of Bhabha Atomic Research Centre, situated in Indira Gandhi Centre for Atomic Research Campus is justified in terminating the service of Shri V. Thiagrajan W.e. f. 3-1-1989? If not what relief his entitled to?

5. The Govt. of India has referred the following issue for adjudication by this Tribunal :

"Whether the management of Headwater and Steam Chemistry Laboratory of Bhabha atomic Research Centre situated in Indira Gandhi Centre for Atomic

Research Centre campus is justified in terminating the services of Shri P. Sukumar w. e. f. 3-1-1989? If not what relief he is entitled to?"

6. The main averments found in the Claim statement of the petitioner in I. D. No. 63/93 are as follows :

The petitioner was appointed on 1-11-1985 as Mazdoor (helper NMR) Labour in the respondent establishment. By an official order dated 4-4-86. The petitioner was held responsible for bringing post to CDO's office and in addition to that he had to assist Mr. Ranganathan in his official work. He was also responsible for taking copies from the cyclostyle machine and in the rest of his time he has to help the staff members in their work. The petitioner has drawn Rs. 18.50p. per day and the said sum was paid as salary on or before 7th of every month. The respondent terminated the services of the petitioner w. e. f. 3-1-89 all of a sudden without any notice or any reasonable cause and enquiry. Inspite of the various letters sent by the petitioner to restate him there was no reply from the respondent. The petitioner was employed as laboratory assistant for nearly 4 years without any remarks. His service was continuous and without any interruption. He was not charged for any misconduct during the period of the service. He is a workman within the definite in of Sec. 2(s) of the I. D. Act, 1947. The contention of the respondent that the petitioner was a petty contractor is baseless. His termination amounts to Unfair labour practice. The termination without any enquiry is illegal and also in violation of the principles of natural justice. His attendance was marked on the muster roll and he was paid wages once in a month through his wage was fixed on daily rate. The termination of the services of the petitioner is in violation of the provisions of the principles of natural justice, and against Sec. 25A and 25N of the I. D. Act, 1947. The terminating order was passed against all norms of law. The petitioner may be reinstated with continuity of service and backwages.

7. The main averments found in the Counter statement of the Respondent in I. D. No. 63/92 are as follows :

The respondent is not an industry within the meaning of I. D. Act, 1947. The same was clarified by the Ministry of Labour, New Delhi in No. L-43012(s)/85DU dated 13-11-93. The petitioner was engaged by the officer in charge for certain odd jobs in the respondent laboratory as a petty contractor. The petitioner was paid wages for the work done on the hand receipt. Since the petitioner was not an employee the question of giving him notice and conducting an enquiry does not arise. The petitioner was not appointed as helper or NMR labour and there is no provision to regularise the services of the Petitioner. employee . He is not a workman U/s 2(s) of the I. D.

Act, 1947. No termination order was passed against the petitioner and it cannot be termed as unfair labour practice. The petitioner was not engaged in any regular job as alleged in the claim statement. Muster roll was maintained only for the purpose of marking petitioner's attendance to regulate his wages for the work done. Since the petitioner was engaged as and when necessary, there was no necessity to service notice not and petitioner. There is no violation of Sec. 25A and 25N of the I. D. Act, 1947. As the petitioner was not an employee of the respondent establishment the question of termination of service does not arise. The respondent is not an industry and the provision of I. D. Act is not applicable to the respondent. Therefore, the claim of the petitioner may be dismissed.

8. The point for consideration is : Whether the management of Headwater and Steam Chemistry Laboratory of Bhabha Atomic Research Centre situated in Indira Gandhi Centre for Atomic Research Centre campus is justified? In terminating the services of Shri P. Sukumar, w.e. f. 3-1-89? If not, what relief he is entitled to?

9. In I. D. No. 62/92, on the side of petitioner, WW. 1 Thiru V. Thiagarajan has been examined and Exs. W1 to W7 were marked. On the side of respondent, no witness was examined and Ex. M1 was marked. In I. D. No. 63/92, WW. 1 Thiru P. Sukumar has been examined and Exs. W1 to W5 were marked. On the side of respondent, no witness has been examined and Ex. M1 was marked.

10. The document marked by the management are same in both these disputes. Though the petitioners have marked documents pertaining to them on their side as exhibits the same will not matter much in passing a common award in both the dispute. Hence common award is passed in both the matters.

11. Point : Award is passed in both the matters on 27-11-96 against that Writ Petition Nos. 10597 and 10598 of 1997 has been filed that has been allowed and Common award has been set aside and remitted back for fresh consideration in accordance with law. In pursuance of that the matter has been heard afresh and award has been passed as below. The main point for consideration is whether the respondent is an 'Industry' or not?

12. The learned counsel for the petitioner has urged as per the decision reported in 1978 I LLJ p. 349 Between Bangalore Water Supply and Sewerage Board etc. Vs. Rajappa and others case and arguing that the petitioner/respondent is an Industry that the decision reported in 1997 II LLN p. 668 Between Physical Research Laboratory and K. G. Sharma is not applicable to the facts of this case. Hence he prayed to pass an award according to their claim statement. The learned petitioner has urged that the respondent is Headwater and Steam Chemistry Laboratory, Bhabha, Atomic Research Cente, Depart of Atomic Energy, Kalpakkam Research Institute, in that research they send

the same for production of electricity, delivered the same to Indira Gandhi Cente for Atomic Energy, Kalpakkam, to produce in better electricity which is again Delivered to public consumer on charges. So the product of the respondent Research Laboratory is being marketed. Hence it is connected to trade business within the meaning of 'Industry'. So that the respondent is an industry. Here the decision reported in 1997 II LLN 668-Knowledge acquired not marketable nor had any commercial value. So it is not an industry, because they had made a research on the space, 1997 II LLN 668 Between Physical Research Laboratory And K. G. Sharma, the Hon'ble Supreme Court of India has held as follows :

"PRL is an institution under the Government of India's Department of space. It is engaged in pure research in space science. What is the nature of its research work is already stated earlier. The purpose of the research is to acquire knowledge about the formation and evolution of the universe but the knowledge thus acquired is not intended for sale."

and arguing Respondent is not an industry. While consideration the Citation, PRL is an institution under the Government of India's Department of Space. It is engaged in pure research in space science. What is the nature of its research work is already stated to acquire knowledge about the formation and evolution of the universe but the knowledge thus acquired is not intended for sale. But here, it is true that the respondent is one of the unit of Bhabha Atomic Research Centre, but the research has been sent to Indira Gandhi Atomic Energy Centre which used for generating electricity which is delivered to public consumer on charge. So the product of the respondent's research is being marketed. So the decision reported in 1997 II LLN 668 is not applicable to the facts of this case. While considering the citation that Headwater and Steam Chemistry Laboratory is under the control of Bhabha Atomic Research Centre, Kalpakkam. But the product of the Research, product has been used for production of electricity by Indira Gandhi Centre for Atomic Energy, Kalpakkam that electricity has been again delivered to public consumer on charge. So the product of respondent research is being marked. Hence it is connected to trade business and falls squarely within the meaning of 'industry.'

12. While considering 1978 I LLJ p. 349 in para. 105 dealt with Research.

"Does research involve collaboration between employer and employee? It does. The employer is the institution, the employees are the scientists, para-scientists and other personnel. Is scientific research service? Undoubtedly it is. Its discoveries are valuable contributions to the wealth of the nation. Such discoveries may be sold for a heavy price in the industrial or other markets. Technology has to

be paid for any technological inventions and innovations may be patented and sold.

In our scientific and technological age nothing has more case value, as intangible goods and invaluable services, than discoveries. For instance, the discoveries of Thomas Alva Edison made him fabulously rich. It has been said that his brain had the highest which value in history for he made the world vibrate with the miraculous discovery of recorded sound. Unlike most inventors, he did not have to wait to get his reward in heaven, he received it munificently on his gratified and grateful earth, thanks to conversion of his inventions into money a plenty. Research benefits industry. Eventhough a research institute may be a separate entity disconnected from the many industries which founded the institute itself, it can be regarded as an organisation, propelled by systematic activity, modelled on co-operation between employer and employee and calculated to throw up discoveries and inventions and useful solutions which benefit individual industries and the nation in terms of goods and services and wealth. It follows that research institutes, able it run without profit motive, are industries."

13. While considering the case along with citation has already stated in the written argument filed by the petitioner in page. 3 is squarely stated the respondent product is marketable and is being marketed. The product of the respondent research is delivered to Indira Gandhi Centre for Atomic Energy at Kalpakkam who in turn produce electricity which is again delivered to the Public Consumer on charges *i.e.* product of research is being marketed. Hence it is connected to trade business and falls squarely within the meaning of an industry. But the respondent has filed written argument, he never denied the same. But in page 2 of the written argument, he has stated as follows:

"This Laboratory is not involved in production of electricity as claimed by the petitioner."

In page 4 of the written argument has stated that PRL is not an Industry. Since PRL was not engaged in an activity that can be called business, trade or manufacture and that it was merely an institution discharging Governmental functions being a domestic enterprise that a commercial enterprise. So there is no denial that the product of the respondent research is delivered to Indira Gandhi Centre for Atomic Research Complex at Kalpakkam who in turn produced electricity which is delivered to Public Consumer in charges. So this tribunal concludes that this respondent is an industry.

14. After filing of Written argument, the learned respondent's counsel would advanced argument at that time he would urge that the students were deputed for research came and equip themselves in the field and they

are not entitled, for an appointment there. This Laboratory is primarily a Research Laboratory engaged in research related to Chemistry, Biology and Ecology of Aquatic and colling water systems. The research activities are carried out by regular staff of the laboratory in collaboration with nearby Universities and colleges. The Laboratory has served as the interface between Universities and the Board of Research in Nuclear Sciences, (BRNS), which is the funding arm of Department of Atocmic Energy that support universities. Students from the above institutions are provided facilities by the laboratory for carring out research work leading to P.H.D.

15. At this juncture, the learned petitioner would cull out the above portion of Written argument and arguing since they are giving research facility to the student, hence it is come under the Educational institution, so as per the decision reported in case of Bangalore Water Supply and Sewerage Board citation is squarely applicable to the facts of this case. Hence it is an industry. So, this Tribunal concludes that the decision reported in Bangalore water supply and swerage Board Vs. Rajappa 1978 I LLJ 349 is squarely applicable to the facts of this case. Hence this Tribunal concludes that the respondent is an industry.

16. While considering the decision reported in 1978 I LLJ 349 and 1997 II LLN 668, since the respondent's research Laboratory they are giving education, to research facility to students, hence it is come under the Educational institution, so the decision reported in 1978 I LLJ 349 is squarely applicable to the facts of this case. Moreover, that product of this Research laboratory has been handed over to the Indira Gandhi Centre for Atomic Energy at Kalpakkam who in turn produced the electricity which is devlivered to Public Consumer on charge. Hence the decision reported in 1978 ILLJ 349 is squarely applicable but the decision reported in 1997 II LLN 668 is not applicable to the facts of this case. Hence this Tribunal concludes that the respondent is an industry as defined under Sec. 2 (j) of the Industrial Disputes Act, 1947.

17. In respect of I.D.No. 62/92 by name Thiagarajan had entered into the service of the respondent on 4-3-1985 as mazdoor (helper NMR labour), I.D. 63/92 by name Sukumar had entered into service of the respondent on 1-11-1985 as Mazdoor helper (NMR labour). Thiru Thiagarajan was engaged in helping the scientific staff and WSCL in water sampling and other related work office work etc. Thiru Sukumar was engaged in helping scientific staff and WSCL in water sampling. He was also held responsible for bringing in post to CDO's office work and he was responsible for taking copies from the Cyclostyle machine and to help the staff members in their work. However both of them were treated as Lab Assistant, no appointment order was given to them. They paid wages for their work on hand receipt. Eventhough the respondent has raised the contention that though the persons were engaged as petty contractors to do some petty work in the

laboratory, they were paid wages for the work on the hand receipt. Entry permit of Thiru Thiagarajan has been marked as Ex. M1. After considering Ex. M1, and oral evidence of WW1 Thiru Thiagarajan in I.D. 62/92 and Thiru Sukumar in I.D. 63/92 this Tribunal has come to this conclusion that they are workers they worked for more than 240 days during the each year of 1986, 1987 and 1988. Hence they are entitled reinstatement and all other benefits as per the decision reported in 1996 II LLJ 316. But the above has not been questioned by the respondent in the writ petition. In para. 6 of the writ petition order stated as follows:

"In view of the fact that the Tribunal has rendered a specific finding by considering the materials available on record as to whether the petitioner is an industry or not within the meaning of Industrial Disputes Act, 1947, the above writ petitions are allowed and the order of the Tribunal is set aside and the matter is remitted back for fresh consideration in accordance with law."

So as per the direction of the Court, after considering the argument advanced by both parties and decision relied upon by them reported in 1978 I LLJ 349 and 1997 II LLJ 625 equals-1997 II LLJ 668 and come to this conclusion that the respondent laboratories is an industry, since the product has been delivered to Indira Gandhi Centre for Atomic Energy which is used for generating electricity in turn which was delivered to Public Consumer on charge. It is marketable. Hence it is a trade, as per the decision reported in 1978 I LLJ 349, hence this Tribunal concludes that the respondent is an industry.

18. Since the petitioners Thiru V. Thiagarajan, In I.D. 62/92 and Thiru Sukumar in 63/92 have worked for more than 240 days, they are removed from service without any notice, hence they are entitled to reinstatement, continuity of service and all other attendant benefits to them. Hence, award is passed in I.D. Nos. 62/92 and 63/92 holding that the petitioners are entitled for reinstatement, continuity of service backwages and all other attendant benefits. No costs.

Dated at Chennai, this 3rd day of April, 2006.

SELVI R. MALA, Industrial Tribunal

I.D. NOS. 62/92 AND 63/92

WITNESSES EXAMINED

In I.D. No. 62/1992

For workman : WW.1 Thiru V. Thiagarajan

For Management : None

In I.D. No. 63/1992

For workman : WW.1 Thiru P. Sukumar

For Management : None

DOCUMENTS MARKED

In I.D. No. 62/92

For workman

Ex. W1 29-4-85 : Temporary entry permit given by Administrative officer to the Petitioner. (Xerox Copy)

Ex. W2 4-4-86 : Copy of order issued to Petitioner assiging work. (Xerox Copy)

Ex. W3 19-4-89 : Letter from petitioner to the respondent management for reinstatement (Xerox copy)

Ex. W4 : Conciliation failure report. (Xerox Copy)

Ex. W5 5/7-8-91 : Corrigendum letter issued by the Asst. Commissioner of Labour, Madras to Government reg. entry of service of the petitioner. (Xerox Copy)

Ex. W6 : Sheet showing the number of days worked in 1986 to 1988. (Xerox Copy)

Ex. W7 3-1-89 : Letter from petitioner to respondent requesting for job. (Xerox Copy)

After remand

Ex. W8 10-3-86 : Affidavit and petition filed by the petitioner before the Hon'ble High Court of Madras.

In I.D. 62/92

For Respondent/
Management

Ex. M1 29-8-96 : Muster roll of the petitioner.

In I.D. 63/1992

For workman:

Ex. W1 : Temporary entry permit issued to the petitioner. (copy)

Ex. W2 : Rough sheet showing total number of days worked by petitioner during the years 1986 to 1988. (Xerox copy)

Ex. W3 19-4-89 : Letter from petitioner to respondent demanding for job. (xerox copy)

Ex. W4 21-3-91 : Petitioner's letter to Assistant Commissioner of Labour U/s 2A of the I.D. Act. (Xerox Copy)

Ex. W5 16-5-91 : Conciliation failure report.

नई दिल्ली, 25 अप्रैल, 2006

का. आ. 2007.—औदोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी. सी.

एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, गोदावरीखानी के पंचाट (संदर्भ संख्या 138/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-4-2006 को प्राप्त हुआ था।

[सं. एल-22013/1/2006-आईआर(सी-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 25th April, 2006

S.O. 2007. —In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 138/2004) of the Industrial Tribunal Godavarikhani as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SCC, and their workman, which was received by the Central Government on 26-04-2006.

[No. L-22013/1/2006-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GODAVARIKHANI

PRESENT:

Smt. T. Rajani, M.A., B.L., I Addl. Dist. and Sessions Judge, Karimnagar in FAC of Chairman.

Friday, the 24th day of March, 2006.

Industrial Dispute No. 138 of 2004.

BETWEEN:

Balasani Chandraiah, S/O. Ramiah,
Age 42 years, Coal Filler,
R/O. Chikuray, presently re siding at
Sharadanagar, Godavarikhani
Distt. Karimnagar, A.P.,

Petitioner

And

1. The General Manager,
S.C. Co. Ltd., Ramagundam Area-I,
Godavarikhani.
2. The Managing Director,
Singareni Collieries Co. Ltd.,
Kothagudem, Dist. Khammam

Respondents

This petition coming before me for final hearing in the presence of Sri S. Bhagavantha Rao, Advocate for the petitioner and of Sri D. Krishna Murthy, Advocate for the respondents and having stood over for consideration till the date, the court passed the following:—

AWARD

This Petition is filed U/Sec. 2-A(2) of I.D. Act., 1947.

The brief facts of the case as per the petition are

that the petitioner was appointed as an employee in the respondent's company on 3-10-1984 as Badli Filler, on piece rate basis. He has been discharging his duties to the satisfaction of his superiors, and has put-in 16 years of qualified length of service. The petitioner could not attend to his duties in the year, 1996, due to jaundice. He submitted medical certificates, but they were not considered and his services were terminated on the charge of habitual late attendance and habitual absence without leave or without sufficient cause. He submitted an explanation, but the respondents did not consider the same.

He was not permitted to cross-examine the management witnesses and he was told that his case will be considered on humanitarian grounds, as absenteeism was only since 1996. The punishment imposed against the petitioner is highly excessive, arbitrary and disproportionate. It is prayed that the petitioner may be reinstated into service with continuity of service, attendant benefits and full back-wages.

2. The 1st respondent filed counter which was adopted by the 2nd respondent, denying the averments of the petition in a general manner. It is further contended that the petition is not maintainable U/Sec. 2A (2) of I.D. Act., as the respondent's company is a Central Government establishment, hence, the State Amendment does not apply. Further, the petitioner was appointed as Badli Filler on 22-6-90 as per the conditions of M.O.S., dated 12-3-90. He has put-in-only 89 days of attendance during the year, 1996. He was issued a charge sheet dt. 9-7-97, for habitual absence from duty. The petitioner participated in the domestic enquiry. The charges levelled against the petitioner were proved in the enquiry. The petitioner never submitted any medical certificate to the authorities. He did not render any explanation to the charge sheet. The enquiry was conducted, following the principles of natural justice. He did not cross-examine the management witnesses, as he opined that they stated true facts. The petitioner examined himself as a witness in the enquiry and admitted his absence without leave. Though he stated that he was absent due to jaundice, he did not produce any documents. Hence, the enquiry officer submitted the report, up holding the charges. The petitioner was earlier dismissed from the rolls, due to absenteeism and was reinstated only based on the M.O.S., dt. 12-3-90. But, the petitioner did not improve his attendance and his continuance in the company would result in loss of production. Hence, he is not entitled for any re-instatement and the petition may be dismissed.

3. The petitioner filed Ex. W1 to Ex. W3 and the respondents filed Ex. M-1 to Ex. M-9, in order to prove their respective cases.

4. Now the points for consideration before this Court are:—

1. Whether the domestic enquiry is valid.
2. Whether the petitioner is entitled for the relief as prayed for.

5. 1st Point—The petitioner filed a Memo not questioning the validity of domestic enquiry. Hence, this point is answered accordingly.

6. 2nd Point—The charges levelled against the petitioner are as follows:—

“you have absented from duty without leave or without sufficient cause during 1996 as detailed below:—

Date/Month	From	To	Total
Jan., 96	3		1
Feb.,	4,11,12,29		4
March,	1,3,6 to 11,17 to 22		14
April,	1,4,7,8,10 to 12,21 to 30		19
May,	5 to 7, 16,17,19,21 to 28		14
June,	1 to 10, 12 to 17, 20 to 26, 30		24
July,	3,4,7,8,11 to 19,23 to 29		20
August,	6,8 to 12, 16, 22		8
Sept.,	2,3,8,9,11 to 30		24
October,	13 to 31		19
Nov.,	1 to 30		30
Dec.,	1,2,5 to 22, 27		19
Total			196

2. You have put-in only 89 days attendance during the year, 1996.

3. The above records clearly indicate that you are in the habit of absenting from work frequently.

4. Your above action amounts to misconduct under Company's Standing Order No. 25 (25)”

7. The petitioner was absent during all the months of the year, 1996 and has put-up only 89 days of attendance during the said year. It is not denied by the petitioner that he was absent as such. But his contention is that he suffered from jaundice and could not attend the work. The same was the contention made by him during the enquiry. The enquiry officer did not up-hold the truth of the said submission, as the petitioner did not submit any supporting evidence for the same. The petitioner neither did choose to file any documents in support of his ailment of jaundice. Hence, his contention can be dismissed as un-merited.

Coming to the proportionately of the punishment imposed against the petitioner, it is alleged that he was a chronic absentee and he was also removed from service earlier, but he was reinstated in pursuance of the settlement

entered into between the management and the workers unions. The Memorandum of Settlement was marked as Ex. M-2. The settlement was in respect of several other demands of the workers, which included the reinstatement of the terminated employees on or after 1-1-1985, due to absenteeism. From the above settlement, it can be understood that there was a general agreement between the parties in respect of all the employees who were terminated on the ground of absenteeism. Hence, it cannot be said that the management has considered the case of this petitioner specially in reinstating him. The factors which prompted the management for entering into the settlement are several. Hence, it can be seen that the management has took into consideration the absence of the petitioner even on an earlier occasion also, but he was reinstated for other reasons.

8. From the nature of mis-conduct, it can be seen that the petitioner is not bothered about the losing of his wages. Though as contended by the respondents, his absence would cause loss in production of the respondent's company, the same cannot be considered as sufficient in the given circumstances, for terminating the services of the petitioner. But, however having due regard to the above discussed aspects, this court opines that apart from depriving the petitioner of the back-wages, some punishment would meet the ends of justice. Hence, the respondents are directed to reinstate the petitioner into service with continuity of service, but without back-wages and by with-holding two annual increments with the effect of postponing the future increments of the petitioner.

In the result, the petition is partly allowed, the removal order dtd. 23/24-4-1998 is set-aside the respondents are directed to reinstate the petitioner into service only with continuity of service, but without any back-wages and by with-holding two annual increments with the effect of postponing his future increments.

Typed to my dictation, corrected and pronounced by me in the open court on this, the 24th day of March, 2006.

T. RAJAN I, Chairman

Appendix of Evidence

Witness Examined

For workman : Nil

For Management : Nil

EXHIBITS

For workman:—

Ex. W1 23/24-4-1998 : Dismissal Order, Xerox Copy.

Ex. W2 23-6-1997 : Chargesheet, Xerox Copy.

Ex. W3 3-10-84 : Office Order, Xerox copy

For Management:—

Ex. M1 22-6-1990 : Office Order re-appointing the petitioner as Badli Filler,
(Xerox Copy)

Ex. M2 12-3-1990 : Copy of memorandum of settlement entered u/s. 12 (3) of ID Act, X-Copy.

Ex. M3 9-7-1997 : Charge sheet

Ex. M4 11-1-1998 : Enquiry notice

Ex. M5 12-1-1998 : Enquiry Proceedings

Ex. M6 —do— : Enquiry report

Ex. M7 2/5-3/1998 : Show cause notice with ack.,

Ex. M8 25-3-1998 : Representation of petitioner

Ex. M9 23/24-04-98: Dismissal order.

नई दिल्ली, 9 मई, 2006

का. आ. 2008.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 जून, 2006 की उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय 5 और 6 [धारा-76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध गुजरात के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“बाजवा गाँव बड़ौदा के राजस्व सीमाओं के अन्तर्गत आने वाले क्षेत्र।”

[सं. एस-38013/33/2006-एसएस-I]

के. सी. जैन, निदेशक

New Delhi, the 9th May, 2006

S.O. 2008.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st June, 2006 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Gujarat namely :—

“The areas comprised within the Revenue limits of Bajwa Village, Vadodara.”

[No. S-38013/33/2006-SS-I]

K. C. JAIN, Director

नई दिल्ली, 9 मई, 2006

का. आ. 2009.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों

का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 जून, 2006 की उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय 5 और 6 [धारा-76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध गुजरात के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“छानी गाँव बड़ौदा के राजस्व सीमाओं के अन्तर्गत आने वाले क्षेत्र।”

[सं. एस-38013/34/2006-एसएस-I]

के. सी. जैन, निदेशक

New Delhi, the 9th May, 2006

S.O. 2009.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st June, 2006 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except Sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Gujarat namely :—

“The areas comprised within the Revenue limits of Chhani Village, Vadodara.”

[No. S-38013/34/2006-SS-I]

K. C. JAIN, Director

नई दिल्ली, 9 मई, 2006

का. आ. 2010.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 जून, 2006 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय 5 और 6 [धारा-76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध गुजरात के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“गंधवी जी.आई.डी.सी., नेसदा, सीहोर, नवागाम, वरतेज, फुलसर, सिधमर, अधेवाडे तथा बुधेल (मामसा), जिला भावनगर के राजस्व सीमाओं के अन्तर्गत आने वाले क्षेत्र।”

[सं. एस-38013/35/2006-एसएस-I]

के. सी. जैन, निदेशक

New Delhi, the 9th May, 2006

S.O. 2010.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st June, 2006 as the date on which the provisions of Chapter IV (except Sections 44 and 45

which have already been brought into force) and Chapter V and VI (except Sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Gujarat namely :—

“The areas comprised within the Revenue limits of Ganghvi, G.I.D.C., Nesda, Sihor, Navagam, Vertej, Fulsar, Sidhsar, Adhewade and Budhel (Mamsa) Dist. Bhavnagar.”

[No. S-38013/35/2006-SS-I]

K. C. JAIN, Director

नई दिल्ली, 10 मई, 2006

का. आ. 2011.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (2) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 4362 दिनांक 11-11-2005 द्वारा किसी भी तेल क्षेत्र जो कि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 17 में शामिल है, को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 19-11-2005 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 19-5-2006 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. सं. एस-11017/10/97-आईआर (पी एल)]

जे. पी. पति, संयुक्त सचिव

New Delhi, the 10th May, 2006

S.O. 2011.—Whereas the Central Government having been satisfied that the public interest so requires that in pursuance of the provisions of sub-clause (vi) of the clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 4362, dated 11-11-2005 the service in the any Oil Field which is covered by item 17 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) to be a public utility service for the purpose of the said Act, for a period of six months from the 19th November, 2005.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a period of six months from the 19th May, 2006.

[F. No. S-11017/10/97-IR (PL)]

J. P. PATI, Jt. Secy.

नई दिल्ली, 11 मई, 2006

का. आ. 2012.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एवं द्वारा 1 जून, 2006 की उस तारीख के रूप में निर्गत करती है, जिसको उक्त अधिनियम के अध्याय 4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय 5 और 6 (धारा-76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध पंजाब के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्,—

क्रमांक राजस्व ग्राम का नाम	हदबस्त संख्या	तहसील	जिला
1. मतेवाड़ा	45	लुधियाना	लुधियाना
2. गौन्सगढ़	60	लुधियाना	लुधियाना
3. गदापुर	61	लुधियाना	लुधियाना
4. ससराली	62	लुधियाना	लुधियाना
5. ख्वाज के	65	लुधियाना	लुधियाना
6. भामियां खुर्द	180	लुधियाना	लुधियाना
7. भमियां कलां	181	लुधियाना	लुधियाना

[सं. एस-38013/36/2006-एसएस- I]

के. सी. जैन, निदेशक

New Delhi, the 11th May, 2006

S.O. 2012.—In exercise of the powers conferred by Sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st June, 2006 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except Sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Punjab namely :—

Sl. No.	Name of the Village	Had Bast No.	Tehsil	District
1.	Mattewara	45	Ludhiana	Ludhiana
2.	Goansgarh	60	Ludhiana	Ludhiana
3.	Gadapur	61	Ludhiana	Ludhiana
4.	Sasrali	62	Ludhiana	Ludhiana

Sl. No.	Name of the Village	Had Bast No.	Tehsil	District
5.	Khwajke	65	Ludhiana	Ludhiana
6.	Bhamian Khurd	180	Ludhiana	Ludhiana
7.	Bhamian Kalan	181	Ludhiana	Ludhiana

[No. S-38013/36/2006-SS-I]

K. C. JAIN, Director

नई दिल्ली, 11 मई, 2006

का. आ. 2013.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 जून, 2006 की उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय 5 और 6 [धारा-76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध पंजाब के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

क्रमांक	राजस्व ग्राम का नाम	हदबस्त संख्या	तहसील	जिला
1.	दाखला	220	बटाला	गुरदासपुर
2.	साहिबपुरा	212	बटाला	गुरदासपुर

[सं. एस-38013/37/2006-एसएस- I]

के. सी. जैन, निदेशक

New Delhi, the 11th May, 2006

S.O. 2013.—In exercise of the powers conferred by Sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st June, 2006 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except Sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Punjab namely :—

Sl. No.	Name of the Village	Had Bast No.	Tehsil	District
1.	Dakhla	220	Batala	Gurdaspur
2.	Sahibpura	212	Batala	Gurdaspur

[No. S-38013/37/2006-SS-I]

K. C. JAIN, Director

नई दिल्ली, 11 मई, 2006

का. आ. 2014.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 जून, 2006 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय 5 और 6 [धारा-76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध पंजाब के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

क्रमांक	राजस्व ग्राम का नाम	हदबस्त संख्या	तहसील	जिला
1.	अलीपुर	26	पटियाला	पटियाला

[सं. एस-38013/38/2006-एसएस- I]

के. सी. जैन, निदेशक

New Delhi, the 11th May, 2006

S.O. 2014.—In exercise of the powers conferred by Sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st June, 2006 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except Sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Punjab namely :—

Sl. No.	Name of the Village	Had Bast No.	Tehsil	District
1.	Alipur	26	Patiala	Patiala

[No. S-38013/38/2006-SS-I]

K. C. JAIN, Director